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Published Bi-monthly by

THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Publication Office, 450-458 Ahnaip St., Menasha, Wis.

Editorial Office
209 South Hall
University of Wisconsin
Madison, Wisconsin

Secretary of the Association
305 Harris Hall
Northwestern University
Evanston, Illinois

Foreign Agents, P. S. King and Son, Ltd., Great Smith St., Westminster, London

Entered as second class matter at the post office at Menasha, Wis., under the Act of August 4, 1912.
Acceptance for mailing at special rate of postage provided for in Section 1103
Act of October 3, 1917, authorized May 12, 1936.

Made in the United States of America

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THE AMERICAN POLITICAL SCIENCE REVIEW, published bi-monthly, is supplied to all members of the American Political Science Association. The annual dues are $5.00 a year ($3.00 for graduate and undergraduate students in colleges and universities).

Single numbers of the REVIEW are sold as follows: Vols. I–VIII, $1.50 each; Vols. IX–XXV (1915–31), $1.25 each; Vol. XXVI (1932) and following, $1.00 each.

Applications for membership, orders for the REVIEW, and remittances should be addressed to 450–458 Ahnaip St., Menasha, Wis., or to Kenneth Colegrove, 305 Harris Hall, Northwestern University, Evanston, Illinois.

Correspondence concerning contributions to the REVIEW—likewise books submitted for review—should be addressed to Frederic A. Ogg, Managing Editor, 209 South Hall, University of Wisconsin, Madison, Wis.

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The American Political Science Review

VOL. XXXI JUNE, 1937 NO. 3

MILITANT DEMOCRACY AND FUNDAMENTAL RIGHTS, I*

KARL LOEWENSTEIN
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I

Fascism a World Movement. Fascism is no longer an isolated incident in the individual history of a few countries. It has developed into a universal movement which in its seemingly irresistible surge is comparable to the rising of European liberalism against absolutism after the French Revolution. In one form or another, it covers today more areas and peoples in Europe and elsewhere than are still faithful to constitutional government. Fascism's pattern of political organization presents a variety of shades. One-party-controlled dictatorships rule outright in Italy, Germany, Turkey, and, if Franco wins, also Spain. The so-called "authoritarian" states may be classified as belonging to the one-party or multiple-party type. To the one-party authoritarian group, without genuine representative institutions, adhere at present Austria, Bulgaria, Greece, and Portugal; while Hungary, Rumania, Yugoslavia, Latvia, and Lithuania may be classed together as authoritarian states of the multiple-party type, with a semblance of parliamentary institutions. Poland is at the present time in process of being transformed from a multiple party state into a one-party dictatorship. Without being nominally fascist, all of these states are authoritarian to the extent that the group in power controls public opinion as well as the machinery of government. Moreover, for purposes of the present tabulation it is of slight importance that in some of them the dominating group is, at least supposedly, on the defensive against fascist movements proper, mainly because of the threat "*Ôte-toi que je m'y mette.*"

Of democratic countries with constitutional government, there

* This article covers developments to April 1, 1937.

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remain at present only Great Britain and the Irish Free State, France, Belgium, the Netherlands, Switzerland, the Scandinavian countries (Sweden, Norway, and Denmark), Finland, Czechoslovakia, and, with some reservations, Estonia.

General characteristics and special features of dictatorial and authoritarian government are too well known to be repeated here. Expressed in an empirical formula, such government is a supersession of constitutional government by emotional government. Constitutional government signifies the rule of law, which guarantees rationality and calculability of administration while preserving a definite sphere of private law and fundamental rights. Dictatorship, on the other hand, means the substitution for the rule of law of legalized opportunism in the guise of the *raison d'état*. By the fusing of private law completely into public law, no trace of individual rights and of the rule of law is left. Positive law is no longer measured in terms of constitutional legality, but only in terms of unchallengeable command. Since, in the long run, no government can rely only on force or violence, the cohesive strength of the dictatorial and authoritarian state is rooted in emotionalism, which thus has supplanted the element of legal security in the last analysis determining constitutional government. The technical devices for mobilizing emotionalism are ingenious and of amazing variety and efficacy, although recently becoming more and more standardized. Among them, besides high-pitched nationalist enthusiasm, the most important expedient, perhaps, is permanent psychic coercion, at times amounting to intimidation and terrorization scientifically applied. A pertinent illustration chosen from the experience of a democracy may clarify the vital difference between constitutional and emotional methods of government. The solution of the recent political crisis in England by the cabinet and the Commons was sought through rational means. To have left the issue to the verdict of the people would have been resorting to emotional methods, although general elections are manifestly a perfectly legitimate device of constitutional government.

Fascist International in the Making. In addition to these more or less uniform features of internal organization, a closer transnational alignment or "bloc" of fascist nations, a "Union of Europe's Regenerated Nations," a fascist International of the multi-colored shirts, is clearly under way, transcending national

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borders and cutting deeply across historical diversities of traditionally disjoined nationalisms. The modern crusaders for saving Western civilization from Bolshevik "chaos"—a battle-cry which in all countries gone fascist has proved invaluable—for the time being sink their differences and operate jointly according to a common plan. Under this missionary urge, which is one of the most astounding contradictions of a political system based on the superiority complex of each individual nation, what exists of distinguishing marks in program, ideology, and nationally conditioned premises of *Realpolitik* shrinks to insignificance. In Spain, a mélange of fascist "volunteers" and mercenaries from many countries wage war against international battalions of anti-fascists.

By the same token, close contact and coöperation between the headquarters of international fascism in Berlin and Rome and the outposts in the various countries still adhering to democracy is established, expert advice is sought and readily given, semi-official calls of the fascist leaders from foreign countries are no longer dissimulated, and, as reported from reliable sources, the spiritual radiation of techniques and stratagems is intensified by substantial monetary support. A pattern of a specific technique of fascist penetration and conquest has been developed which, after having proved its efficacy in the larger fascist countries, is eagerly adjusted to national conditions by all fascist movements in the making.

Fascist Movements in Countries Still Democratic. Be it noted that fascist groups or parties openly or secretly exist today in all countries which have remained faithful to the rule of law. In Belgium, the Rexists under Léon Degrelle have become an alarming threat to the democracy; France displays a variety of semi-fascist, authoritarian, or more modestly styled "renovation," movements, the most notorious of which, the dissolved *Croix de Feu,* has been resuscitated as the camouflaged *Parti Français Social;* Switzerland's public life is marked by various "fronts," particularly in the cantons of Zürich, Schaffhausen, and Geneva; Norway has the National Socialists of Major Quisling; fascists in the Netherlands follow, among others, Mynheer Mussert; Ireland has her Blueshirts under General O'Duffy; Denmark and Sweden have their local varieties; and in England Sir Oswald Mosley preaches and practices the new gospel.

Without going into details, the political situation of fascism in the various democracies may be summed up as follows: In Sweden,

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Norway, and Denmark, the "authoritarian" movements have thus far been rather negligible; numerically unimportant, National Socialism has gained access to none of the national parliaments, although occasionally representatives are elected to communal bodies. In the Netherlands, the Nazi party in 1935 achieved considerable success in the elections for the provincial legislatures and for the First Chamber of the national parliament, polling about eight per cent of the total vote; although since that time the movement seems to have lost ground. In Belgium, at the general elections of May, 1936, the new Rexist party of Degrelle won a striking victory, mainly at the expense of the Catholic and Liberal parties, polling more than ten per cent of the total vote and sending twenty-one deputies to the House of Representatives. In addition, the Flemish Nationalists, who are equally inclined to authoritarian methods, doubled their previous quota of eight seats. When, however, Degrelle, relying on what he believed to be a growing popularity of the movement, forced a by-election in Brussels in April, 1937, the government parties took up the challenge and Premier van Zeeland inflicted upon him a severe defeat. Some observers interpret this election—perhaps prematurely—as the turning of the fascist tide in Belgium and elsewhere.

In France, the various fascist or authoritarian groups did not compete with the regular parties at the general elections of April-May, 1936. Their strength cannot be measured in terms of votes, but Colonel de la Rocque claims for his new French Social party a following amounting to not less than two millions. The other more outspokenly fascist groups have been dissolved, and in any case were numerically and politically of no great importance. In the Irish Free State, the Blueshirts are not represented in the Dáil, and in England Mosley's Union of British Fascists apparently has attracted, by noisy propaganda, much more public attention than its numerical strength justifies; the municipal elections in London in March, 1937, revealed its voting strength as negligible, not a single fascist candidate being returned. Fascist parties are prohibited or under severe legal restrictions in the Baltic states, in Finland, and in Czechoslovakia. This fact, however, is no evidence of their actual disappearance. In Czechoslovakia, Herr Konrad Henlein has reconstituted the dissolved German National Socialist party in the form of a legal political party, the Sudetendeutsche Partei; and in the general elections of May, 1935, this party polled

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more votes than any other and obtained forty-four seats in the House of Representatives, i.e., only one seat less than the leading Czech government party. Strong fascist or National Socialist movements exist, although nominally proscribed or suppressed, in Rumania, Hungary, Bulgaria, and Yugoslavia.

The programmatic and ideological ingredients of this widely ramified movement of international fascism are surprisingly uniform: hatred toward communism and its kin, Marxism and socialism; antisemitism, with the notable exception of Italy, although even here, evidently under the influence of the "Berlin-Rome axis," a change in attitude is noticeable; hostility to freemasons, pacifists, and similar international organizations; the "leadership" principle and abolition of liberal democracy and its institutions; a hazy sort of corporativism; general house-cleaning under the slogans of "regeneration" and "renovation;" rampant nationalism. Recruits are usually drawn from the depressed middle classes, from some sections of the intelligentsia, and most of all from the youth, with a fair sprinkling of retired army officers and disgruntled politicians. On close observation, a similarity of the personalities of the "leaders" is discernible also. If available, a man from the lower middle class or from the proletarian stratum is preferable to an intellectual, which accounts for the juxtaposition of M. Doriot to Colonel de la Rocque in France. For technical reasons to be shown later, the actual personality of the leader is not of primary importance. In spite of slight national differences, the similarities of the fascist movements in the various democratic countries are so striking as to betoken, at least to a superficial observer, common causations of origin and growth.

Impossibility of Explaining International Fascism by a Common Causation. Surprisingly enough, however, none of the commonly assumed motives of fascism holds good. No longer are only the nationally frustrated nations breeding fascist nationalism. None of the Scandinavian countries, nor yet France, Spain, or Belgium, suffers from thwarted national ambitions. Nor is it true that nations endowed with the experience and tradition of self-government are immune from the fascist virus. France and Belgium, at present most exposed to fascism, prove the contrary. Nor can it be held that economic pressure is alone responsible for driving people to political quacks and spell-binders. The depression is visibly on the wane; very little acute misery exists in Belgium and in the

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other gold-bloc countries, although postponement of devaluation may have delayed recovery. In short, no common denominator for the emergence of fascism can be discovered among nations differing so widely in national character, historic tradition, and economic structure.

Another common assumption is that private capitalism, threatened by the socialist tide and the attendant loss of privileges, builds up fascism as a protective wall of counter-revolution. Beyond doubt, this theory is justified empirically by events in Germany, Italy, Austria, and recently in Spain. But it would be an undue belief in the self-stultification of the capitalist class to assume that it should not have fully realized the ultimate fate of private capitalism under fascist domination in a totalitarian régime. Private capitalism cannot have failed to understand that at least in Italy and Germany it has fallen from the frying pan into the fire, and that capital controlling democracy is far preferable to corporative middle-class bureaucracy controlling capitalism. In spite of the risks arising from universal suffrage, capitalism thrives best under democracy with its predictability of the rule of law. In addition, the totalitarian state leads eventually to war; whereas democracy and capitalism need peace and safety of investment more than anything else. Middle-class dictators, at the bifurcation of the road, are bound to turn left. Here appears at least one of the potential checks on fascism.

In view of the present situation, one of two conclusions imposes itself. On the one hand, fascism may be nothing less than one of the ground-swells of the spirit which by their universal nature irresistibly transform a world more closely knit together today than ever before. If this be true, democracy as a pattern of political organization is doomed, as royal absolutism was once doomed when liberal democracy conquered the globe. Resistance against the relentless march of history would be a waste of time and energy, and would only aggravate the disaster of the final surrender. One can never escape the spirit. Fascist propaganda has succeeded in instilling this belief in the masses and, like any belief, it cannot be argued. On the other hand, if fascism is not a spiritual flame shooting across the borders, it is obviously only a technique for gaining and holding power, for the sake of power alone, without that metaphysical justification which can be derived from absolute values only. If this hypothesis is realized, the answer is equally ines-

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capable. If democracy is convinced that it has not yet fulfilled its destination, it must fight on its own plane a technique which serves only the purpose of power. Democracy must become militant.

Fascism is not an Ideology but a Political Technique. The fact that fascism is not an ideology, but only a political technique, is abundantly evidenced by the vast experience of the last decade. Fascism is not a philosophy—not even a realistic constructive program—but the most effective political technique in modern history. Its conceptual barrenness is exposed clearly in connection with the Spanish rebellion. Just as in Italy the march on Rome antedated the formulation of a program—a fact which fascism proudly admits—the conquest of power by General Franco and his mercenaries is the sole objective and needs not even the pretext of a substantiated program. Fascism simply wants to rule. The vagueness of the fascist offerings hardens into concrete invective only if manifest deficiencies of the democratic system are singled out for attack. Leadership, order, and discipline are set over against parliamentary corruption, chaos, and selfishness; while a cryptic corporativism is substituted for political representation. General discontent is focussed on palpable objectives (Jews, freemasons, bankers, chain stores). Colossal propaganda is launched against what appears as the most conspicuously vulnerable targets. A technique of incessant repetition, of over-statements and over-simplifications, is evolved and applied. The different sections of the people are played off against one another. In brief, to arouse, to guide, and to use emotionalism in its crudest and its most refined forms is the essence of the fascist technique for which movement and emotion are not only linguistically identical. It is a peculiar feature of the emotional technique that those who are brought into play as the instruments, i.e., the masses, should not be aware of the rational calculations by which the wire-pullers direct it. Fascism is the true child of the age of technical wonders and of the emotional masses.

This technique could be victorious only under the extraordinary conditions offered by democratic institutions. Its success is based on its perfect adjustment to democracy. Democracy and democratic tolerance have been used for their own destruction. Under cover of fundamental rights and the rule of law, the anti-democratic machine could be built up and set in motion legally. Calculating adroitly that democracy could not, without self-abnegation, deny to any body of public opinion the full use of the free institu-

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tions of speech, press, assembly, and parliamentary participation, fascist exponents systematically discredit the democratic order and make it unworkable by paralyzing its functions until chaos reigns. They exploit the tolerant confidence of democratic ideology that in the long run truth is stronger than falsehood, that the spirit asserts itself against force. Democracy was unable to forbid the enemies of its very existence the use of democratic instrumentalities. Until very recently, democratic fundamentalism and legalistic blindness were unwilling to realize that the mechanism of democracy is the Trojan horse by which the enemy enters the city. To fascism in the guise of a legally recognized political party were accorded all the opportunities of democratic institutions.

The main principle of democracy is the notion of legality. Fascism therefore officially annexed legality. Since experience acquired in other countries does not commend the *coup d'état* for the immediate conquest of the state, power is sought on the basis of studious legality. If possible, access is obtained to national and communal representative bodies. This purpose is facilitated by that gravest mistake of the democratic ideology, proportional representation. Democracies are legally bound to allow the emergence and rise of anti-parliamentarian and anti-democratic parties under the condition that they conform outwardly to the principles of legality and free play of public opinion. It is the exaggerated formalism of the rule of law which under the enchantment of formal equality does not see fit to exclude from the game parties that deny the very existence of its rules.

Concomitantly, the movement organizes itself in the form of a semi-military *corps*, the party militia or private army of the party. Under the pretense of self-protection, the original nucleus of the personal bodyguard of the leaders, and of the stewards for the maintenance of order in meetings, is developed into a large fighting body of high efficiency equipped with the fullest outfit of military paraphernalia, such as military hierarchy, uniforms and other symbols, and if possible arms. Again, this technique has strong emotional values and purposes. In the first place, mere demonstration of military force, even without actual violence, does not fail deeply to impress the peaceful and law-abiding bourgeois. Its manifestation, so alien to the normal expressions of party life, is, as such, a source of intimidation and of emotional strain for the citizens. On the other hand, while democratic parties are charac-

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terized by the looseness of their spiritual allegiance, the military organization of the fascist parties emphasizes the irrevocable nature of the political bond. It creates and maintains that sense of mystical comradeship of all for each and each for all, that exclusiveness of political obsession in comparison to which the usual party allegiance is only one among many pluralistic loyalties. When party allegiance finally transcends allegiance to the state, the dangerous atmosphere of double legality is created. The military routine, because it is directed against despised democracy, is ethically glorified as part of party symbolism which in turn is part of the emotional domination. Disobedience towards the constituted authorities naturally grows into violence, and violence becomes a new source of disciplined emotionalism. The conflicts with the state—unavoidable when this phase of active aggressiveness is reached—increase the common sentiment of persecution, martyrdom, heroism, and dangerous life so closely akin to legalized violence during war. In addition, the movement is, within its own confines, genuinely democratic. A successful roughneck forthwith rises to distinction in its hierarchy. The uniform has a mystical attraction also in avowedly non-militaristic countries. The effect of military display on the "soft" bourgeois is all the more lasting because he contrasts the firmness of purpose of accumulated force in fascism with the uncontrolled fluctuations of normal political life. In politics, the only criterion of success is success. Fascism has been irresistibly successful in other countries; thus far, it has never met with a reverse. In any democratic country, be it traditionally ever so sober and balanced, the existence of a political movement organized as military force makes the average citizen uneasy and creates the feeling of restiveness which emotional politics needs.

Last, but not least, the party army develops into a potential competition with the regular armed forces in the case of a *coup d'état* which invariably follows when the period of pretended legality has reached its aim of undermining the forces of resistance. Repressive counteraction of the threatened state usually comes too late and is paralyzed by fear of civil war.

In former ages, revolutionary movements operated cautiously and in secrecy. They were dangerous because of their underground nature. They could strike without warning. In most states, legislation was passed against secret societies. In the age of the emotional masses, the situation is reversed. Revolutionary fascism

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needs the spotlight of the utmost publicity. It could never unfold itself in the dark. Thus fascism forces itself into the foreground, where its emotional spell can be cast upon the masses. Its technique is relentless self-advertisement and propaganda. Democracy could not reckon with the effects of open propaganda. While vigilance was focussed, in fatal misunderstanding of the changed technique of revolutionary movements, on secret actions, no legislative devices existed for offsetting revolutionary emotionalism in the garb of legality, propaganda, and military symbolism. Fascism shrewdly capitalized this situation and won its most notable victories by boring into the weakness of the democratic system.

The German Illustration. The causes for the failure of the democratic experiment in Germany are by far too complex to be measured in terms of a single denominator. But the lack of militancy of the Weimar Republic against subversive movements, even though clearly recognized as such, stands out in the post-war predicament of democracy both as an illustration and as a warning. It is common knowledge that the actual hardships and the spiritual humiliations of the folly of Versailles, so stubbornly enforced by mediocre lawyers acting as French statesmen, in the long run served only the purpose of helping Hitler into the saddle. But the deeper guilt of the mediocre bureaucrats acting as German statesmen should by no means be minimized, as has become the habit of one-sided historiographers. When the para-military patriotic movements of the early twenties were driven underground by dictation from Paris, Hitler rose to power by deliberately exploiting the national predilection for military forms of community life for which no lawful outlet existed. Caught by this tragic dilemma, no German government could bring itself to take a strong stand against movements whose professedly patriotic aims appealed even to those who disapproved of the political methods applied. Laden with the heritage of the Treaty, the Republic was powerless against a party which by promoting its own interests fought for redress of the national grievances. The bourgeoisie, after recovering from the first shock of being exposed to the immature schemes of socialist doctrinaires, sided wholeheartedly with the Reichswehr and big business, which secretly connived at National Socialism. Thus socialist and democratic cabinets of the center found themselves fighting against the two fronts of the radicalized masses and the patriotically inflamed *saboteurs* of democracy. In addition, the

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law-abiding mind of the German people developed the new-fangled ideologies of democratic equality and fair play for all into a self-destroying legalism of which the decisions of the Supreme Constitutional Tribunal are a pertinent illustration.

A survey of the legislative defences of the Republic against the enemies of the democratic order reveals an almost tragi-comical picture of half-hearted, laggard, and thoroughly ineffective methods of dealing with the subversive technique. The law for the protection of the Republic, sprung from popular indignation over the assassination of Herr Rathenau in June, 1922, was openly defied by Bavaria and secretly made blunt by hyper-legalistic, or even mutinous, courts from the beginning; and when renewed in 1930, the statute emerged from Parliament insipid and feeble. The elections in September, 1930, resulted in a political deadlock by which any constitutional amendment was dependent on the support of those against whom it was directed; that atmosphere of illegality and high treason was created which ultimately killed the Republic. No government would dare to seize arms unlawfully possessed by militarized parties, since secreting of arms was a patriotic manifestation against the Treaty. How could legislation for the protection of democratic institutions and symbols be enforced when the German bourgeoisie branded democracy with the stigma of Versailles? Measures aimed at curbing political excesses were futile when every radical deputy could, under the protection of sacrosanct parliamentary immunities, employ the platform to undermine the Republic. For less than two months, in the spring of 1932, the wearing of political uniforms in public was unlawful under an emergency decree of the Reich. But it was impossible to enforce the ordinance because of the diversities in the political composition of the governments of the Länder entrusted with such enforcement. In the light of later events, the decree of the cabinet of von Papen in June, 1932, by which associations "whose members habitually appear in public in closed formation" were required to submit their by-laws to the Minister of the Interior, reads like a travesty of law.

The German Republic foundered on its own concepts of constitutional legality, which opened the way to power for Hitler. Democracy had surrendered to National Socialism long before Hitler was "legally" appointed Chancellor of the Reich. On the other hand, it must be admitted frankly that National Socialism knew how to

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benefit from the calamitous experience of the Weimar Republic. The one-party system was the logical answer to the democratic tolerance of the crushed Republic.

Impossibility of Democratic Emotionalism. Once the character of revolutionary fascism as a technique for destroying democracy emotionally is recognized, much of its spell is broken. The inductive object lesson offered by the experience of the last decade was not entirely lost upon the countries still adhering to democracy. At long last, democracies became conscious of the threat, and they are now organizing defence. On the whole, the outlook for democracy has improved considerably, both psychologically and materially. The tide of fascism seems to be turning, although in several countries, e.g., Belgium and France, there is still imminent danger.

One method of overcoming fascist emotionalism would certainly be that of offsetting or outdoing it by similar emotional devices. Clearly, the democratic state cannot embark on this venture. Democracy is utterly incapable of meeting an emotional attack by an emotional counter-attack. Constitutional government, by its very nature, can appeal only to reason; it never could successfully mobilize emotionalism; even its emotional ingredients are only a prelude to reason. The emotional past of early liberalism and democracy cannot be revived. Nowadays, people do not want to die for liberty. The heroic defenders of Spain against Franco and his fascist auxiliaries do not fight for liberty as such, but for a new social ideal, or perhaps only for their lives. As a rational system, democracy can prove its superiority only by its achievements, which are obfuscated by economic distress and discredited by social shortcomings. The values of liberty seem secure, with the result that to many they appear worn out by routine, faded, pale, and glamourless. Democracy could not devise emotional formulas capable of competing with the fascist Pied Pipers. Democracy *à la recherche d'une nouvelle mystique* seems hopeless, if not ridiculous. Democratic romanticism is of itself a contradiction.

The Common Front Idea. Realistically, the defense of democracy can be projected only on political and legislative lines. The two methods are clearly distinct, although if political presuppositions are lacking, legislative action cannot be taken. Spiritually, both arise from the same will of self-protection and self-preservation. But while the political attitude aims at establishing a united and uniform action among the democratically-minded sections of the

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people against the common enemy, the anti-fascist legislation in democratic states is directly pointed at the fascist technique; it can be passed even if a formal political understanding among the various anti-fascist parties does not exist. On the other hand, political union alone, without the technical legislation, fails to achieve its purpose.

In many states, democratic parties have become aware that the very existence of democracy is at stake. The war of doctrines is at last in full swing. It is true that fascism, in the present stage, pretends to crusade mainly against Marxism. But its spokesmen denounce liberalism and democracy, the germ carriers and hotbeds of socialism and communism, as the gateway to bolshevism. The logical result has been the rise of the Common Front idea in several countries. Originating in Spain, it was followed up in France with, at least for the time being, unmistakable success. In France, as in other countries, the main difficulty in uniting the anti-fascist parties is the strong aversion of large sections of the bourgeois middle-classes and of the farmers towards the Left; the Communist partner's devotion to constitutional government and to the principles of private property are justly mistrusted. The Common Front idea, new and untried as it is, has proved a two-edged weapon, and the ambiguity of the political alliance is widely exploited by fascist propaganda. Thus it cannot be regarded as the final determinant for the solution of the problem of political union against fascism.

Furthermore, for various reasons, in most countries, e.g., England and Switzerland, the Common Front plan has little chance of realization. In some cases, communism has been subjected to severe restrictions; in others, it is almost non-existent. The absence of the disturbing element of communism has facilitated a closer drawing together of the bourgeois liberal and moderate socialist parties for common defense without the precarious device of a political alliance in the form of a common front. This accounts for the fact that in most democratic countries, with the exception of France, the defense of the moderate parties is directed equally against communism and fascism, with the result that anti-extremist legislation can be coördinated without flagrant violation of democratic principles. As A. P. Herbert, M. P., humorously remarks: "A plague on both your blouses." Thus the Catholic parties have been able to combat the anti-religious propaganda of communism, while the liberal center parties, which are usually the first losers to fascism,

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could concentrate their activities against that enemy. In all democratic countries except France, a concurrent attitude of the constitutional parties against both fascism and communism has been established and anti-extremist legislation has been carried by parliamentary vote and public opinion at large.

Lack of Coöperation Among Democracies. On the other hand, while the Fascist International seemingly operates according to a strategic plan on trans-national lines, very little has been accomplished toward establishing a closer coöperation of democracies internationally. Democracies still adhere to the belief that a war of doctrines must be avoided at all costs. The existence of a common danger is not fully recognized. International fascism benefits again. In every country where fascism seized power, it was helped most by the disunity of its opponents. International fascism is obviously confident that the same strategy can be applied to Europe as a whole. The currency agreement in the autumn of 1936 among the gold-bloc countries, the sterling bloc, and the United States was purely opportunistic and one of the many lost opportunities for concerted action. Even the remarkable experiment of establishing regional solidarity on this side of the ocean by the Pan-American Conference seems less auspicious in view of the disintegrating tendencies of local fascist movements. Efforts at mutual economic understanding are at least under way between the Netherlands and the Scandinavian countries and among the members of the Baltic group. More *esprit de corps* is shown in Spain, where international anti-fascists rally behind the Spanish republic. This first instance of vigorous defense is at the same time a clear indication that the war of doctrines can no longer be ignored. At any rate, the Spanish example helps to convince fascism as well as democracies that in any particular country a fascist *coup d'état* means civil war.

Democracy Becomes Militant. The most important step has been taken in a different direction. More and more, it has been realized that a political technique can be defeated only on its own plane and by its own devices, that mere acquiescence and optimistic belief in the ultimate victory of the spirit over force only encourages fascism without stabilizing democracy. Since fascism is a technique bolstered up *ex post facto* by ideas, it can be checked only by a similar technique. It took years to break through the democratic misconception that the principal obstacle to defense against fascism is democratic fundamentalism itself. Democracy stands for fundamental rights, for fair play for all opinions, for free speech,

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assembly, press. How could it address itself to curtailing these without destroying the very basis of its existence and justification? At last, however, legalistic self-complacency and suicidal lethargy gave way to a better grasp of realities. A closer study of fascist technique led to discovery of the vulnerable spots in the democratic system, and of how to protect them. An elaborate body of anti-fascist legislation was enacted in all democratic countries. The provisions were drafted precisely for checking the particular emotional tactics of fascism. Step by step, each device on which the success of fascism is grounded was met by a legislative provision which crippled it. Furthermore, fascism as a technique went the way of all purely technical contrivances. It became stereotyped. Thus precaution could be taken against repetition of formulas and patterns of action which were successful in other countries. Seen from the angle of its international application, fascist technique appears now rather conventional and standardized; variations of its schematic mechanism are comparatively rare in spite of its ingenuity in adjusting itself to the particular national situation. Thus the legislative counteraction could definitely match the emotional technique. It is a clear indication of the growing unwillingness of democracies to lend parliamentary institutions to the fascist technique of exploiting them for their selfish ends that the Belgian parliament in March, 1937, passed a bill seeking to prevent resignations from parliamentary seats merely for the sake of facilitating propaganda at the ensuing by-elections. Although democratic countries could not bring themselves to concerted action on an international basis, the prophylactic measures adopted in each individual country are surprisingly similar. After much hesitancy and legalistic inhibition, efficient measures against fascism reached the statute books. In spite of the electoral successes of fascist movements in several countries, such as Czechoslovakia, Belgium, and the Netherlands, the movements are kept by legislation within the bounds of normal political parties, and if fascism did not get beyond control in any democratic country which adopted anti-fascist legislation, it is because democracy finally became militant.

Can an Idea be Suppressed? At this juncture, a serious objection may be raised. No spiritual movement can, in the long run, be suppressed merely by legislative and administrative measures. At most, it may be only slowed up. Liberalism survived the reaction of the Holy Alliance, and in the second half of the nineteenth century it conquered the world. The German statute proscribing

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socialism during the period 1878–90 did not prevent the resuscitation of the Social Democrats after repeal. Russian communism, outlawed before and after 1905, today rules the empire of the Czar. Always the spirit breaks its chains. But socialism was an idea, perhaps the strongest idea since 1789; and history teaches the deathlessness of ideas. The same argument, however, does not operate in favor of fascism, because it is not an ideological movement but only a political technique under ideological pretenses. There is no historical evidence that a political technique is irresistible if recognized and fought as such.

Democracies withstood the ordeal of the World War much better than did autocratic states—by adopting autocratic methods. Few seriously objected to the temporary suspension of constitutional principles for the sake of national self-defense. During war, observes Léon Blum, legality takes a vacation. Once more, democracy is at war, although an underground war on the inner front. Constitutional scruples can no longer restrain from restrictions on democratic fundamentals, for the sake of ultimately preserving these very fundamentals. The liberal-democratic order reckons with normal times. The guarantee of individual and collective rights serves as a legal basis for compromise between interests which, to be sure, may fall into conflict, but which nevertheless are animated by common loyalty toward the fundamentals of government. Constitutions are dynamic to the extent that they allow for peaceful change by regular methods, but they have to be stiffened and hardened when confronted by movements intent upon their destruction. Where fundamental rights are institutionalized, their temporary suspension is justified. When the ordinary channels of legislation are blocked by obstruction and sabotage, the democratic state uses the emergency powers of enabling legislation which implicitly, if not explicitly, are involved in the very notion of government. Government is intended for governing. Fascism has declared war on democracy. A virtual state of siege confronts European democracies. State of siege means, even under democratic constitutions, concentration of powers in the hands of the government and suspension of fundamental rights. If democracy believes in the superiority of its absolute values over the opportunistic platitudes of fascism, it must live up to the demands of the hour, and every possible effort must be made to rescue it, even at the risk and cost of violating fundamental principles.

[To be concluded in the next number]

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UNEMPLOYMENT ASSISTANCE IN GREAT BRITAIN

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I

The British Unemployment Assistance Act of 1934 is unquestionably the most important legislative innovation in the field of public poor relief since the passage of the Elizabethan poor laws.[1] It represents the final fruition of the movement for the "break-up" of the old poor law system, for by its provision the "break-up" is made virtually complete. In sweeping terms, it adopts the principle of national responsibility for the care of the nation's able-bodied poor, and establishes for the administration of the duties thereby thrust upon the national government a vast new machinery directly operated from Whitehall. Local responsibility for a major portion of a basic governmental function is thus completely wiped out, and the old poor law stands stripped of its essential substance and significance, a mere shell of the former system out of which grew the modern institutions of English local government.

For more than three hundred years, the concept of poor relief as a function of local government has been basic to the philosophy of the poor law. The great landmarks of legislation enacted since the days of Elizabeth—the Poor Law Amendment Act in 1834, the Local Government Act in 1929, and the Poor Law Act in 1930—made important changes in local relief organization and established new forms of central supervision and financial assistance, yet they did not divest the local governments of control and operation of the provision for assistance.[2] This continued to be the very essence of the poor law system. In the light of poor law history, the virtual

[1] This act was passed as Part II of the Unemployment Act, 1934. Part I may also be cited separately as the Unemployment Insurance Act, 1934.

[2] The most comprehensive analysis of the 1834 revision of the poor law is contained in Sidney and Beatrice Webb's monumental study of English poor relief. See their *English Poor Law History: The Last Hundred Years*, Vol. I (New York, 1929). The reader should, however, guard against the obvious bias of the authors. The 1929 enactment, as amended by the Poor Law Act, 1930, with explanatory notes and Ministry of Health memoranda and regulations, may be found in A. M. Eve and F. A. Martineau, *The Local Government Act, 1929* (London, 1930). For brief summaries of more recent social legislation, I have found J. J. Clarke's compendious volume, *Social Administration, Including the Poor Laws* (London, 1935), especially useful.

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abandonment of the principle of local responsibility for relief of the able-bodied destitute represents nothing less than a revolutionary change in public social policy.

The action in 1934 was not, however, entirely unexpected. Relief of the able-bodied unemployed had for a number of years been a national problem of far-reaching importance; but despite the most strenuous efforts on the part of Parliament it still remained without a satisfactory solution. The existing provisions for able-bodied relief comprised a series of national and local activities which by that time had become so elaborately intermingled and involved that drastic measures were imperative.

In the early stages of the post-war depression, the local relief authorities had proved unable to carry the entire burden of unemployment relief and the national government had consequently been forced to provide aid for a large proportion of the unemployed. After 1920, when the unemployment provisions of the National Insurance Act of 1911 were greatly enlarged in scope, practically all of the unemployed industrial workers in the country were brought within the framework of the national insurance system. Some of the unemployed, however, remained outside the scope of insurance. The result was a division of able-bodied relief into two parts, national unemployment insurance and local poor relief. This wholly illogical arrangement not only was confusing but also gave rise to inequalities in treatment for which no real justification could be found.

The demand for a fundamental revision came from two principal sources. In the first place, the proponents of the general movement for the "break-up" of the poor law favored the transfer of all forms of able-bodied assistance to the national government. The attack upon the poor law system arose originally out of popular dissatisfaction with the early methods of its operation and with the nature of the relief it provided. The harsh conditions under which assistance was granted and the dreaded stigma which accompanied the receipt of aid have always aroused the resentment of the humanitarians. The movement to destroy the poor law, thus rooted in humanitarian sentiments and ideology, gradually gained strength during the nineteenth century until finally, with the encouragement given by the Royal Poor Law Commission's sweeping denunciations of the poor law system in 1906–07, it was translated into positive legislative action. With the passage of the National In-

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surance Act in 1911, the national government was forced to embark upon a constantly expanding program of national social services, which by 1934 had reached the point where a considerable portion of the public provisions for all those in need had been separated from the poor law.

Following the World War, the proponents of this movement had centered their attention upon the problem of unemployment relief and had been instrumental in enlarging the sphere of national responsibility in this field. Their objective here, however, had not yet been fully achieved. The poor law still remained an integral part of the unemployment relief program. Those who were unemployed for extended periods were ultimately forced to fall back upon poor law relief, while other unemployed persons who remained outside the scope of national insurance altogether found the poor law the sole means of their support. If these classes of unemployed could be divorced from the poor law and placed under the permanent care of the national government, nationalization of the able-bodied relief services would be an accomplished fact.[3]

The other principal factor in the passage of the 1934 legislation was the failure of the national government's own efforts to take care of the chronically unemployed within the framework of the unemployment insurance scheme. After 1920, Parliament had attempted to deal with cases of continued unemployment by resorting to the device of extended or transitional benefits, soon to receive the ignominious title of the "dole." Insured workers who exhausted their standard benefits, or the payments to which they were entitled because of previous contributions from their wages, were granted additional assistance for specified periods, during which it was hoped and expected that work might be found. The mere fact of eligibility for standard benefit, in other words, entitled the worker to relief during a period of unemployment. In case both types of benefit were exhausted and unemployment continued, the final refuge was the local poor law.

Despite occasional upturns in business, widespread unemployment continued. As a temporary measure to meet a temporary condition, this plan might have worked reasonably well; but under the conditions which actually prevailed, its failure was a foregone

[3] The strength of this movement was also a factor in the failure of the various post-war ministries before 1931 to confine unemployment insurance to the workers who had bona fide claims to benefits.

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conclusion. Under pressure from all sides, Parliament amended, revised, and supplemented the insurance laws in an almost frantic attempt to extend their bounty to the growing ranks of the chronically unemployed. In 1930–31, the situation reached a crisis.

The inadequacy of the government's post-war unemployment relief policy gained general recognition with the publication of two important reports in 1931. In June, the Royal Commission on Unemployment Insurance issued an interim report sharply criticizing the practice of including uncovenanted or non-contributory assistance within the framework of the insurance system.[4] The report clearly showed that this policy was largely responsible for the alarming increase in the indebtedness of the Unemployment Fund. The fund for financing the post-war unemployment insurance scheme under the 1920 legislation had at the outset a credit balance of £22,000,000. In one year the reserve was exhausted and borrowing from the Treasury was begun. Borrowing continued unabated, until by the end of 1930 the debt had risen to £59,990,000; and on June 30, 1931, a few days after the Commission's report was released, it stood at £88,030,000. In July, the May Committee on National Expenditure issued its *Report on the Social Services*,[5] calling attention to the enormous increase in the cost of these services since the War as a major factor in the existing crisis in national finance. The Committee joined with the Royal Commission on Unemployment Insurance in decrying the failure of the government to recognize the limitations of the insurance scheme.

In line with the recommendations embodied in these reports, the insurance acts were amended to provide increased contributions from the insured and reduced rates of benefit. By far the most significant step taken, however, was the introduction of the means test into the scheme of extended benefits. The Unemployment Insurance (No. 2) Order, 1931, provided, *inter alia*, that persons who exhausted their rights to regular insurance benefits, or who could not meet the statutory conditions for such benefits although they came within the scope of the insurance scheme, would receive further assistance, now called transitional payments, *only*

[4] Two members of the Commission issued a minority report recommending that no changes be made in the insurance system until the final report was presented.

[5] Cmd. 392.

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if they could prove a condition of need. In the administration of the new means test, the services of the local poor law authorities were enlisted. They were authorized to determine all questions of need, and to report the amount of assistance required in each case to the Ministry of Labor from whose employment exchanges the transitional payments as well as the regular insurance benefits were to be distributed. The whole cost of the transitional payments was to be defrayed out of Treasury funds.

The curious arrangement for administering uncovenanted assistance was undoubtedly dictated largely by matters of political expediency. It was generally recognized as a purely temporary device erected to meet the immediate demands for government retrenchment and economy. Its real significance lay in the fact that it introduced the opening wedge between contributory and non-contributory unemployment relief, and by placing the latter upon the basis of actual need paved the way for the fundamental revision three years later.

In October, 1932, the Royal Commission on Unemployment Insurance issued its final report embodying proposals for a more permanent system of state assistance. The Commission pointed out that the problem of chronic unemployment had overshadowed all other relief problems in the country since the War. With unanswerable logic, supported by a mass of factual data, it then demonstrated that while insurance was an appropriate measure for dealing with temporary or intermittent employment, it was highly inappropriate for the treatment of chronic unemployment. Two recommendations were strongly urged. First, that unemployment insurance should be entirely separate in theory and practice from any scheme of non-contributory assistance; and second, that the latter service should be extended to include all able-bodied industrial workers, including those who still were outside the existing system of insurance. The latter proposal implied that the great majority of the able-bodied who were forced to depend entirely upon poor law relief would be transferred to the new service.

To administer unemployment assistance, which was to be separated from unemployment insurance, the Commission recommended a new local service the operation of which would be placed in the hands of special committees of the county and county borough councils created for this purpose alone. The local authori-

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ties were to be subject to the central control and guidance of the Ministry of Labor, with the cost of the service a local charge but partially defrayed by national grants-in-aid.[6] In proposing this plan, the Commission was guided by the opinion that to divorce the new service from the stigma of poor law relief was socially desirable, but that at the same time, in the interest of economy and of local traditions, it was best to utilize to the utmost extent the existing facilities of the local poor relief system.

It can fairly be said that with the publication of this report the permanent separation of non-contributory unemployment relief from the insurance system was generally recognized as both necessary and desirable. The events of the twenties had demonstrated to the satisfaction of the great majority the impracticability of joining together these two types of national assistance. Furthermore, it was by this time quite clear that the national and local non-contributory assistance services should be joined together in a single, permanent service to be operated upon the basis of individual need. In embodying these desired changes in appropriate legislation, Parliament was faced with only one question upon which there remained important differences of opinion. This was whether the administration of the new service should be made a national or a local responsibility.

II

In rejecting the proposal of the Royal Commission on Unemployment Insurance for a new local service, Parliament was guided by several important considerations. In the first place, it was unsatisfactory to the group who were advocating the eventual destruction of the poor law system. To place the operation of the new service in the hands of local authorities, even though separate committees were erected for that purpose alone, was in their minds simply to add another function to the local poor law. The separation in theory could not be maintained in practice. Consequently,

[6] The Commission gives no specific rules for dividing the expense of the service. It did suggest, however, that the local share might be derived from a uniform local rate of 4d. in the pound, with the national Exchequer furnishing whatever additional funds were necessary. The Minority Report of the Commission, signed by W. Asbury and Mrs. C. D. Rackham, argued for the retention of the unemployment insurance system for dealing with all able-bodied workers and the abolition of means test requirements for all forms of unemployment benefit.

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the traditional stigma of poor law relief would be fastened upon unemployment assistance. Right or wrong, this criticism carried considerable weight. The Labor party was solidly against any effort to graft unemployment relief upon the poor law in any manner. Likewise, the majority opinion, although by this time committed to the principle of the means test for non-contributory aid, was inclined to agree with the view that poverty caused by unavoidable unemployment should be distinguished in its treatment from poverty due to indolence; that to attach to the former the stigma of the poor law was not only unjust but in the long run socially harmful.[7]

In the second place, the proposal was unpopular with the local authorities, who through their various national associations have long been able to exert a powerful influence upon the legislative process in Parliament. Quite generally, they were of the opinion that on the grounds of public policy they should not be made to finance any part of an undertaking which was essentially national rather than local in character. They also maintained that from the practical standpoint it was doubtful whether the already heavily-burdened local rates could actually bear the expenditures which the local governments would be called upon to make. At the same time, the suggestion that exchequer grants-in-aid be used to help equalize the financial burden involved was vigorously opposed by the more prosperous local governments. This arrangement would have forced them to contribute heavily by way of national taxes to the expenditures for unemployment assistance in the less prosperous units, and especially in the distressed areas where the highest rate of unemployment was centered. Although the alternative of a national service supported by national taxes would result in substantially the same burdening of the more prosperous local government units, it had the advantage of providing complete central control of the manner in which relief would be dispensed in the distressed areas throughout the country.

Finally, the proposal for local administration failed because of the wholly unsatisfactory operation of the transitional payments plan by the local authorities. The 1931 order-in-council, as previously noted, had given to the local public assistance committees the function of determining questions of need in all transitional

[7] The Labor party, of course, continued to condemn the principle of the means test "lock, stock and, barrel."

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payment cases. Two conditions were imposed. First, that each local authority should base its allowance upon the standard of assistance adopted by it for the relief of its own able-bodied unemployed, who were outside the range of the insurance provisions and therefore receiving poor law relief; and, second, that the transitional payment allowance should not in any case exceed the amount that would be payable as covenanted unemployment benefit. The local authorities thus being left almost completely to their own devices, it was inevitable that confusion in administration and unequal treatment of the unemployed would result. Immediately there were as many standards of assistance as there were local units of government.[8] It was not uncommon to find in the same district amounts paid to households in similar circumstances varying by several shillings per week merely because the homes of applicants on one side of the street were situated within the boundaries of a local authority different from that of the homes on the other side of the street.[9] Local political considerations naturally could not be kept out of the picture. One county council might be predominantly conservative in its political complexion, in which case the scale of allowances would usually be lower than those set by a county council controlled by the Socialists. There appeared, furthermore, an increasing amount of laxity in the assessment of need, especially in the extent to which the resources of other members of the recipient's household were disregarded. This was due largely to the fact that the whole cost of the transitional payments was being borne by the national government. All these conditions only served to strengthen the case against local administration. It is not surprising, therefore, that the Royal Commission's proposal failed to receive the approval of Parliament.

The Act as finally passed creates a new national poor law, and a new central agency for its administration. Heading up the new service is the Unemployment Assistance Board, consisting of six salaried members, viz., a chairman, deputy chairman, and four others, appointed by the crown and removable only upon joint

[8] Actually, there was an even greater diversity, since in the large counties and county boroughs the central public assistance committees of the county councils had delegated for administrative convenience the function of determining need to sub-committees whose determinations were frequently far from uniform.

[9] These conditions are recited in the *First Report of the Unemployment Assistance Board for the Period Ended, December 31, 1935* (Cmd. 5177), pp. 13–14.

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resolution of both houses of Parliament.[10] This security of tenure was granted by Parliament in order to protect the Board from the pernicious political influences which hitherto had controlled the determination of unemployment relief policy, and to insure, as far as possible, an impartial administration of the new service.

Since the phrase "able-bodied unemployed" has so many different meanings, it was necessary to give precise statutory definition to the scope of the service. Accordingly, the Act was extended to all persons between the ages of sixteen and sixty-five capable of and available for work whose normal occupation is employment in respect of which contributions are payable under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932, or who can show that, not having had any remunerative occupation since attaining the age of sixteen years, they might have such insurable occupation but for the industrial circumstances of the district in which they reside.[11] In effect, the Act thus applies to all persons previously in receipt of transitional payments and to a large proportion of the able-bodied previously under the care of the local public assistance authorities. It does not, however, cover the whole group of the able-bodied unemployed. It does not include those who normally obtain their livelihood by working on their own account, such as small tradesmen, commission agents, hawkers, and news vendors, or persons disqualified for benefit under the unemployment insurance scheme because of stoppage of work as a result of a trade dispute.[12] Nor does it provide for persons refused relief for failure to comply with the conditions imposed by the administrators of the Act. These groups must still fall back upon the poor law for their maintenance.[13]

Except for the salaries of the central board of administration, the entire cost of the service is to be financed by the new Unemployment Assistance Fund, this to be maintained by the joint contributions of Parliament and the local governments. A rather

[10] The Board is nominally within the Ministry of Labor and acts in close coöperation with the head of that department. The Baldwin government appointed the full quota of six members on July 2, 1934, naming Lord Rushcliffe as chairman.

[11] See especially Clarke, *op. cit.*, pp. 216 ff., for an analysis of the Act's coverage.

[12] Such persons are ineligible for unemployment assistance for the period of their disqualification.

[13] Medical services for those receiving unemployment assistance is also a local charge. This provision was made so as to avoid duplicating the existing facilities of the local authorities for medical care of the destitute.

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complicated method is proposed for determining the amount of the local contributions. Until March 31, 1937, each county or county borough must pay a sum equal to sixty per cent of the cost of its relief during the year ending March 31, 1933, to those persons who would have been under the scope of the Unemployment Assistance Act had it been operating at that time.[14] The result was that the local governments were helping to finance a service over which they had no control. In view of the normal practice followed in England, that of providing central grants for a locally administered service, the arrangement was an unprecedented one. It has been decried by some as "taxation without representation," and the local governments in the distressed areas especially resented the failure of Parliament to assume the entire cost of the service. The provision was, however, only temporary, and it must be observed that the great bulk of the expense is borne by Exchequer funds. Three-fourths of the persons coming under the Act are in the transitional payments class whose assistance is financed wholly out of national funds; the local authorities are actually required to contribute funds only in respect of the remainder, originally estimated at 200,000 persons.[15]

One of the most interesting provisions in the Act is that creating a system of administrative tribunals for the determination of appeals made from decisions of the Board's officers. For each district, as determined by the Board, there is created an Appeal Tribunal, consisting of a chairman appointed by the Minister of Labor, a representative of the Board, and a representative of the workingmen appointed by the Board from a panel of nominees prepared by the Minister of Labor. The Appeal Tribunal has jurisdiction over all cases arising within its district where an applicant for unemployment assistance is aggrieved by the Board's determinations and lodges a formal appeal against them. Appeals against decisions by officers of the Board as to the application of the Act and against ordinary determinations of allowance lie to the chairman of the tribunal sitting alone. If, however, the chairman has reason to think that there are special circumstances in cases of ordinary determinations requiring consideration, he may grant leave to ap-

[14] In addition, the local governments must contribute an amount equal to the difference between the local administrative costs incurred during 1932–33 and the costs which would have been incurred had the 1934 act then been in effect.

[15] *First Report of the Unemployment Assistance Board, op. cit.*, p. 7.

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peal to the full tribunal; and in cases of "special difficulty," that is, those involving disciplinary action by the Board where a recipient fails to avail himself of opportunities for employment or training, appeals lie directly to the full tribunal. The decision of the chairman or a full tribunal is final. The procedure of appeals is governed by special regulations issued by the Board, but the conduct of the hearings is left largely to the discretion of the individual chairman, the aim being to provide, as far as possible, an informal and friendly atmosphere to the proceedings.[16]

The Act further authorizes the Board to appoint local advisory committees to represent the lay and voluntary social welfare groups of the community, and to advise the Board's field staff on any problems which the Board may present for its consideration. The establishment of these agencies has proceeded slowly, on accaccount of the Board's preoccupation with the application of the means test, as will be shown below, but the Board seems fully aware of their potential value. The chairman of the Board, in his first report to Parliament, has already indicated the nature of the work for which the local advisory bodies are especially fitted and the lines along which they can be of real value to the service. "One of the problems of administration in the social services of this country," he writes, "is an effective combination of the official organization and the unofficial or lay element. The Board regards its association with the local committees as a definite experiment in this field. What part the committees will eventually play in the administration can be decided only by experience. Questions of housing; the care of the children; the perplexities of the housewife in need of some personal help; cases of exceptional need; the problem of young men and women who are fast slipping into a state of continuous idleness; the proper treatment of applicants who refuse opportunities of work; these and many other problems which have been engaging the attention of the Board afford ample scope for help and advice from the committees and their members."[17]

Extremely broad powers of administration are vested in the

[16] Unemployment Assistance (Appeal Tribunals) Provisional Rules, 1934. The Unemployment Assistance (Temporary Provisions) Act, 1935, provided that appeals against the determination of supplementary allowance should lie directly to the full tribunal. The Board has established 138 appeal tribunals. The number of appeals thus far has been somewhat less than was anticipated by the framers of the 1934 act and the Board itself.

[17] P. 17.

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Board. In the first place, it receives ample authority to develop its central and field organization, select personnel, and determine salary scales.[18] Secondly, the Board is authorized to frame draft regulations governing the determination of all relief allowances, this authority being subject to several important requirements contained in the Act itself. As a statement of policy and a guiding principle in this all-important work, the Act provides that every allowance shall be determined by reference to the needs of the applicant and of any members of his household who are dependent on or ordinarily supported by him. The vital questions of what constitutes individual need and the manner of its assessment are left to the discretion of the Board, subject, however, to several statutory requirements affecting the computation of individual resources. In computing the available resources of any applicant, the following items, if any, of his income must be disregarded by the officers of the Board: (1) the first five shillings a week of any sick pay from a Friendly Society; (2) the first 7s.6d. a week of any benefit under the National Health Insurance Acts, 1924–32; (3) the whole of any maternity benefit under the same acts, exclusive of additional or second benefits; (4) the first one pound a week of any wounds or disability pension; (5) one-half of any weekly payment of compensation under the enactments relating to workmen's compensation; and (6) capital assets up to twenty-five pounds; with the proviso that additional assets up to three hundred pounds shall be computed as resources at the weekly rate of one shilling for each twenty-five pounds.[19] Finally, before the regulations can go into effect they must receive the assent of Parliament.

III

The Minister of Labor presented to Parliament on December 11, 1934, the first draft regulations of the Unemployment Assistance Board. Under the terms of the Act, the Board was to take over the work of distributing assistance in two stages. On the

[18] The Board has described the manner in which its organization and administrative staff were established. The staff was recruited largely from the ranks of the national and local civil servants. Questions of selection and compensation were determined in consultation with a special inter-departmental committee of civil servants, the Minister of Labor, and the Treasury.

[19] These statutory provisions may be found also in the Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations, 1934, dated December 21, 1934.

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"first appointed day," the group receiving transitional payments under the arrangements prevailing since 1931 was to be taken over; on the "second appointed day," responsibility was to be assumed for the remaining able-bodied unemployed persons coming within the provisions of the Act. The first regulations, as approved by Parliament on December 20, 1934, fixed January 7, 1935, as the first appointed day, and March 1, 1935, as the second appointed day. The Board then turned to the formidable task of transferring the first group, then estimated at 800,000 persons, to its own relief rolls.

A brief summary of the principal features of the first regulations will throw light on the nature of the tremendous difficulties which immediately arose. Each qualified applicant for relief was to receive a weekly allowance the determination of which was to be governed by a uniform scale of rates. Speaking generally, the relief allowance represented the difference between the amount which the Board fixed as necessary to provide the applicant and his household with the necessities of life and the amount of the applicant's available resources. The Board's assessments of need were varied in each instance according to the status of the applicant, such factors as age, sex, and membership and position in a household being taken into account. The regulations allowed a householder and mate, for example, twenty-four shillings a week; a single male householder, sixteen shillings; the first additional male member of the household, if aged twenty-one or over, ten shillings; a male lodger aged eighteen or over, fifteen shillings; and a female lodger aged eighteen or over, fourteen shillings. These amounts, however, were subject to adjustment in household cases according to the relation between a so-called basic rent allowance and the actual rent cost. If the rents were more than the basic rent allowance, an increase in the assessment of need up to one-third of the basic rent figure was granted; if less, a reduction equal to the difference was made. In the computation of available resources, on the other hand, the Board took into account all individual or household income *after* disregarding certain specific items. The statutory "disallowances" have already been noted. In addition, disallowances for personal requirements were made to the person contributing from wages or other income to the resources of the household, the amount disregarded depending upon the person's relation to the household. Obviously, the general effect of these rules regarding

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treatment of resources is greatly to mitigate the harshness of the means test, despite the fact that a check against excessive relief is contained in the proviso that no applicants are to receive in assistance as much as they would ordinarily earn if "they were following the occupations normally followed by them." In every case, furthermore, the Board reserves the right to adjust the assessment upward or downward where "special circumstances" or "needs of an exceptional character" exist.

The enforcement of the regulations had hardly begun when protests came from all parts of the country. It was inevitable that the replacement of the transitional payments scheme, under which assessment of need was locally controlled, with a centrally operated system involving standard scales and rules for the whole country, would involve some dissatisfaction; but few, especially the Board itself, were prepared for the nation-wide disturbance which it occasioned. Not only were the unemployed openly critical, but public opinion generally was hostile to what seemed to be a rather harsh treatment of the "down-and-outers."

The chief source of grievance was the fact that in a rather large number of cases the Board's allowances were less than had been received under the transitional payments scheme. It was to be expected that under the previous system local authorities might be generous in their assessment of needs, often winking an eye at items of individual or household income. This laxity in administration the Board soon discovered had developed on a surprisingly wide scale. Consequently, many reductions in allowances had to be made. Criticism was directed also against the working of the rent rule, which in numerous instances was resulting in serious hardships. Although the regulations permitted a certain amount of flexibility in determining the rental allowance, the basic rent scales still could not be adjusted sufficiently to meet high rental costs. The situation was particularly unsatisfactory in this respect in the London metropolitan area. In some quarters, also, the operation of the household means test was objected to on the grounds that the requirement that working members of a household contribute heavily to the support of the unemployed members was actually breaking up many homes. More specifically, the objection was that the regulations permitted rather niggardly amounts to be withheld by the working members for their own personal re-

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quirements. And growing out of these conditions, the real extent of which was, of course, grossly exaggerated by the partisan representatives of the unemployed, arose the familiar cry that bureaucracy had again reared its evil head —that the service was administered arbitrarily, was impervious to local advice and criticism, and ignored the profound variations in local conditions throughout the country.

In Parliament, government supporters at once joined the Opposition Labor party in demanding a change. The result was the passage in February, 1935, of the Unemployment Assistance (Temporary Provisions) Act, widely known as the "Standstill." An emergency measure designed to meet the new crisis in unemployment relief, it provided, until the regulations could be amended, the most confusing and anomalous arrangement that could possibly have been devised. By its terms, an applicant was to be paid either the allowance which he was entitled to under the existing regulations, or the allowance he would have received if the transitional payments scheme had continued in operation, whichever was higher. Meanwhile, the second appointed day was postponed indefinitely.[20]

As a result of this action, unemployment assistance entered upon two years of administrative waste, confusion, and chaos. The situation is best described in the Board's own report issued during this period. "The officers of the Board," says the report, "are now administering a complicated double standard, whose results are often not intelligible to the applicant: that of the regulations and of transitional payments. If the standards of assistance of a local authority in relation to the able-bodied unemployed are altered, the Board's officers must follow suit, and in some areas where the number of unemployed chargeable to the local authority is negligible in contrast with the number chargeable to the Board, these standards have been raised avowedly in order to produce an immediate influence upon the amount of assistance given by the

[20] The postponement of the second appointed day necessitated the passage of the Unemployment Assistance (Temporary Provisions) No. 2 Act, 1935, under which special arrangements were made for reimbursing the local authorities out of Exchequer funds for the additional local expenditure incurred by the postponement. By a special resolution agreed to on December 8, 1936, the period of reimbursement was extended to March 31, 1937, the date finaliy set for the second appointed day under the 1936 relief regulations of the Board. See *The Municipal Review*, Vol. 8. (1937), p. 22.

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Board. Further, the Standstill Act involves, as a statutory obligation upon the officers of the Board, the continuance of many of the anomalies in the transitional payments position whose abolition was one of the reasons for the creation of the Board. It also requires the Board, in numerous cases, to pay allowances to households, ostensibly on the ground of need, which are simply an abuse of public money."[21]

Meanwhile, the Board was engaged in the task of revising the original regulations in the light of the criticism voiced by Parliament early in 1935. It was quite apparent that the regulations should be made somewhat more flexible, so as to avoid a recurrence of unnecessary hardship, and that the standard scale of allowance for need would have to be liberalized in certain respects. At the same time, the general elections in November of that year had demonstrated that public sentiment supported the Government's position that the "Standstill" should be speedily terminated and uniform standards of relief reëstablished.

After many months of painstaking study, the new draft regulations were finally presented to the House of Commons on July 21, 1936. The ensuing debate, which except for one adjournment lasted continuously until the early morning of July 24, has seldom been equaled in the annals of Parliament for acrimonious partisanship and indecorous procedure. The passage of the regulations was a foregone conclusion, but the Labor party of the Opposition, seemingly bent upon making political capital out of the proceedings, launched a vigorous and embittered attack upon the whole principle of the means test. "We can never agree," said Mr. Arthur Greenwood in the opening speech for the Opposition, "to any regulations, however generous they may appear on the surface, so long as the means test stands as a part of the law of the land."[22] But the strategy of the Laborites proved a dismal failure both in Parliament and in the country at large. It was impossible to answer in any satisfactory way the continually reiterated query of the Gov-

[21] *First Report of the Unemployment Assistance Board, op. cit.*, p. 15.

[22] *Parliamentary Debates, House of Commons*, Vol. 315, No. 128, column 325. Although carried on in a spirit of bitter partisanship. the debate was not lacking in amusing incidents. One of these occurred in connection with the suspension of three Laborite members, two for calling Sir John Simon "a liar" and one for shouting that the dignified Home Secretary was a "damn liar." The full record of the debate may be found in Vol. 315, Nos. 128–131 (July 21–24, 1936).

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ernment spokesmen: "How can you grant assistance to those in need without first determining that need actually exists?"

The new regulations effect substantial alterations in the original relief scales, all being in favor of the applicant for assistance.[23] Allowances for living expenses are raised for certain members of the household, the special reductions for large families in the old regulations are discontinued, and the allowable deductions for earnings for personal requirements are greatly increased. In addition, the rent rules are revised and made more flexible. The chief source of grievance, the basic rent rule, has been eliminated and an entirely new procedure devised for rent allowances. It is now provided that if the net rent actually paid is greater or less than a quarter of the total scale allowance for the household, an adjustment may be made by such sum as appears to the Board's officer, or on appeal, to the Appeal Tribunal, to be reasonable.[24]

The most significant change in the 1936 regulations is the provision for greater use of local advice in administration. The Board not only agrees to seek the advice and assistance of the local advisory committees over a wider scale generally, but provides for their participation in three specific types of administrative work. First, in the adjustment for rent the Board must seek the advice of the local advisory committees regarding local factors affecting rent, the latter being empowered to make specific recommendations for the increase or decrease of the rental allowance. Second, in any rural area the standard assessments of need may be adjusted according to "the general character of the locality," but the Board in making such adjustment is to give consideration to any general recommendation which the advisory committee for the area may care to make. Finally, the advice of the local committees is to be sought in the liquidation of the "Standstill."

The task of bringing the able-bodied poor under the terms of the new regulations is to take place in two stages. The first appointed day was set for November 16, 1936. At this date, the

[23] For an analysis of the 1936 regulations, consult the *Memorandum by the Minister of Labor* (Cmd. 5228) and the *Explanatory Memorandum by the Unemployment Assistance Board* (Cmd. 5229).

[24] Special consideration is given also members of households. Regulation IV provides that they shall receive not less than the amount they would have received for unemployment benefit, except for reductions in the Board's allowances on account of rent or other special circumstances.

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"Standstill" was brought to an end, and the Board placed under the new relief scales the old transitional payments group of the unemployed. While the new scales are on the whole more liberal than those of the 1934 regulations, they will in some instances cause a reduction in the allowances received under the "Standstill." For this particular class of cases, a period of eighteen months' grace is granted, during which the Board will gradually bring the old allowances into conformity with the 1936 regulations. It is in this work that the central authorities are now consulting with the local advisory committees concerning the manner in which adjustments in their respective areas are to be made. The remaining able-bodied persons coming within the terms of the 1934 Act, that is, those who have continued to remain in the hands of the local authorities, were to be taken over on April 1, 1937, the new second appointed day.

Thus unemployment assistance as a standardized national undertaking is once again set into operation. In the light of the changes embodied in the revised scales of assistance and rules of administrative procedure, it appears that an important beginning lesson has been learned. Two years of legislative confusion and administrative waste have served to demonstrate that a nationalized program of non-contributory relief for the unemployed must be sufficiently flexible to fit the infinite variations in local conditions throughout the country, and that in the adjustment of the service to local needs its administrators must make the utmost effort to secure and act in accordance with the advice of the representatives of the localities themselves. Immeasurably aided by this knowledge, the new service is now ready to face the task of the future—the development of permanent and stable foundations. The initial stage has been weathered, but larger and more difficult problems are yet to be faced.

IV

Any program of state assistance to those who cannot find a normal place within the nation's economic structure must today be visualized as a permanent enterprise. Continued unemployment on a wide scale may not be a permanent social evil, but unfortunately there is as yet little reason to believe that this will not be so. What, then, are the problems which sooner or later will demand effective solution if Britain's latest attempt to improve her social

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services is to prove permanently successful? What are the pitfalls to be avoided if the most important experiment in able-bodied relief since the beginning of the poor law is not to end in stalemate, a lavish waste of public funds, and ultimate failure—an event fraught with the most dangerous social and political consequences? These are large questions. They affect the very foundations of a democratic government struggling to survive the stresses and strains of modern economic and social maladjustment.

The task which lies immediately ahead is largely an administrative one. Essentially, it is a problem of administrative coöperation, whose essential features are peculiar to the circumstances under which the new service was erected. This service was literally carved out of the two existing services of national unemployment insurance and local poor relief. From each of these a large slice was taken, the two portions were joined, and the result was called unemployment assistance. An entirely separate and independent organization was in this manner placed in the field of social welfare already crowded with governmental agencies, national and local. Amidst the welter of organizations performing a very wide variety of social duties, unemployment assistance must find its way.

In a great many ways the work of the Unemployment Assistance Board is closely tied up with, or directly affects, the activities of other welfare authorities. The Board, for example, must constantly check with the Ministry of Labor and with the unemployment exchanges the records of new applicants who, having exhausted their insurance benefits, must be transferred to unemployment assistance; reëmployment opportunities must be the common knowledge of the officers of the Ministry and the Board; and provisions for training the unemployed must be made by the two authorities acting jointly if needless duplication of effort is to be avoided.[25] Likewise, the Board must coöperate continually with a variety of local administrative agencies in promoting the welfare of the unemployed and their dependents, this being a duty which it is required to perform in addition to the work of relieving their material needs. Where medical care or institutional treatment

[25] At the present time, the Board is making relief payments through the offices of the employment exchanges and is utilizing the training centers maintained by the Ministry of Labor. It also has facilitated industrial transference, a function of the Ministry of Labor, by making special allowances for that purpose to some of its own applicants.

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is required, the local public assistance and public health authorities must take charge, and in cases of malnutrition among children, or of overcrowding and bad housing, the coöperation of local education and housing agencies must be enlisted. In addition, the Board, like all other public welfare organizations, must keep in constant touch with the voluntary welfare agencies of the community by providing facilities for the mutual exchange of information and joint consideration of individual and family welfare problems.[26] The Board's proper handling of inter-relationships such as these will involve the careful elaboration of various types of machinery and many different techniques of coöperation, as well as an abundant supply of tact and patience on the part of its own officers.

In its larger aspects, the administrative problem will be to provide the nation with the benefits of centralized direction without sacrificing local initiative and local interest. It is by no means certain that the arrangement under the 1934 act will satisfactorily meet this test. Widespread dissatisfaction is bound to arise in the long run with the operation of a service which so vitally concerns the local governments, but over which they exercise no real control whatever. It is still highly doubtful whether a national scale of assistance can be devised which in its administration will be sufficiently flexible to meet the great diversity in local conditions and in individual need prevailing throughout the country. Future experience may, in fact, demonstrate that a permanent system of unemployment assistance must, in the final analysis, be locally controlled and administered if the best results are to be achieved.

These considerations lead to the conclusion that Parliament, in deciding against the plan of administration outlined in the final report of the Royal Commission on Unemployment Insurance, made a serious mistake. This plan would have made the operation of unemployment assistance a direct and primary responsibility of the local governments. Moreover, by providing for strict central supervision under a system of national grants-in-aid, it would have offered the means whereby both a minimum standard of local administration and a sufficiently equitable distribution of the financial burden involved could have been maintained. It may not have been politically feasible in 1934 for Parliament to follow

[26] The local advisory committees are to be used especially for this purpose.

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the Commission's proposal. In point of fact, the decision to ignore it smacks of political opportunism. The pressure of the unemployed and their sympathizers, and of the local governments themselves, was more than Parliament could withstand. But the consequent breaking away from the tradition of local responsibility so firmly imbedded in the old poor law was no less sudden than it was complete. Can it be a wise policy to ignore so completely the precept of reason and experience that public provision for the destitute must be a direct concern of the community in which they reside?

One final observation may be made. The ultimate test of any program of public assistance for the able-bodied unemployed is its effect upon unemployment. If it is to be an effective instrument in the much greater national task of reëmployment, the conditions under which it is maintained must be such as will discourage any disposition on the part of those receiving public support to avoid whatever employment opportunities are made available. The morale of the relief recipient must, of course, be protected by adequate provision for training facilities and employment services, but the primary objective in public assistance is missed if he is encouraged to remain in idleness. Essentially, this means that relief must be made an unattractive proposition, that its conditions must be such as will deter one from looking to it for maintenance, and at the same time will encourage those who become dependent upon it to make every effort to return to self-support. Considerations of public policy demand that this stern principle of deterrence be heeded. Its relaxation leads to indiscriminate alms-giving, a fostering of indolence, and a waste of public funds. To ignore it is to open the way to the development of a new and formidable special interest group in politics the members of which, proclaiming the pernicious philosophy of relief as an inalienable right, will exert a constant pressure upon their political representatives to enlarge their measure of the state's bounty.

It can scarcely be denied that the new service in its present form fails to measure up to this guiding principle. Although its administrators have ruled that no applicant should receive in assistance as much as he could ordinarily earn, in actual practice the allowances have in some instances so closely approximated the applicant's net earning capacity that the result has been to diminish both his eagerness to obtain work and his reluctance to relinquish relief.

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The number of such cases is thus far comparatively small, but their existence is none the less an ominous fact. Moreover, the salutary effect which this rule might have upon an applicant's disposition to remain idle is greatly impaired in other instances by the statutory requirements that certain items of his income, including health insurance benefits, disability pensions, and workmen's compensation, must be entirely ignored in determining the amount of his need.[27]

Thus there is grave danger that Great Britain's latest experiment in social welfare may not realize its underlying purpose. Disregard of the principle of deterrence in dealing with cases of prolonged unemployment was a principal factor in the collapse of the insurance system in the twenties. When this was recognized, a means test was introduced into the system in 1931, and later included in the provisions of 1934. But the pernicious consequences of the "dole" policy still remain. The complete endorsement and vigorous enforcement of a true test of need is yet to be achieved. The break-up of the old poor law was doubtless inevitable in view of the irresistible modern demand for additional and more highly specialized social services; but the new nationalized poor law that now emerges need not abandon the wisdom of the old. Large issues are here at stake. On their proper determination the development of a constructive and sound relief policy for the nation will largely depend.

[27] The origin and development of the practice of disregarding specific portions of income are, in fact, to be found in the poor law system. The Outdoor Relief Acts of 1894 and 1904 provided for the disregarding of friendly sick pay in granting outdoor relief, and the National Health Insurance Act, 1924, extended the practice to health insurance benefits. In the Poor Law Act, 1934, it was further extended to cover trade union sick pay and wounds or disability pensions. As the London poor relief authorities have indicated, the cumulative effect of these provisions is to render eligible for relief persons who *prima facie* are not destitute. In some cases, the income which must be ignored is as high as 32s. 6d. a week. See *Annual Report of the London County Council on Public Assistance*, 1934, Vol. I, Part 2, pp. 12–13.

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REFORM OF THE COVENANT OF THE LEAGUE OF NATIONS

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Almost from the creation of the League of Nations, there have been proposals for its reform; a few amendments to the Covenant have actually been adopted. Discontent with the League's achievements in the recent dispute between Japan and China and that between Italy and Ethiopia have of late brought the discussion to a head, and have led to official action by the League itself. According to the British Foreign Minister, in a speech before the Assembly on September 25, 1936:

> The underlying motive for the work on which we are now engaged, of examining the Covenant and the procedure of its application, is the recent failure of the collective action of the Members of the League to achieve the prime object for which it was undertaken.

And M. Litvinoff, speaking three days later, asserted that the question

> did not arise in any academic way, but was brought into existence and imposed upon us, both by the unhappy outcome of the Italo-Ethiopian conflict and by the whole course of the political events of recent years.[1]

At the meeting of the Council on June 26, 1936, the Chilean delegate proposed that a study of the reform of the Covenant be undertaken; and he proposed it likewise at the 16th Ordinary Session of the Assembly, in July, 1936. Discussion at this session did not reveal much enthusiasm for reform. Nevertheless, the Assembly on July 4 adopted a recommendation which noted "that various circumstances had prevented a full application of the Covenant;" declared that it remained "firmly attached to the principles of the Covenant," but that it was "desirous of strength-

[1] The sources for the quotations employed in this article are easily found, and it does not seem necessary to give citations in each individual case. Where a speech is quoted, the date will indicate where it is to be found in the *Records of the 16th Ordinary Session of the Assembly*, Part II, June 30–July 4, 1936, or in the *Verbatim Record of the 17th Ordinary Session of the Assembly*, September 21–October 10, 1936. Where the text indicates that the written reply of a government is being quoted, it will be found in the League of Nations document, "Application of the Principles of the Covenant of the League of Nations, Communications from Governments" [1936. VII. 9]. These replies of governments may be found analyzed in another League document, "Study of the Proposals Submitted by Members of the League" [1936. VII. 8].

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ening the authority of the League of Nations by adapting the application of these principles to the lessons of experience;" and recommended to the Council that it should invite the members of the League to send to the Secretary-General any proposals which they might wish to offer "in the spirit or within the limits laid down above," these proposals to be reported to the Assembly at its September meeting. All this having been done, the Assembly on October 10 decided to set up a committee to study the proposals of the governments, and to make a report "indicating the definite provisions, the adoption of which it recommends."[2] This Committee is now at work, having held a session in December.

The problem is a very complicated one, from whatever angle it is approached. Limitations of space permit discussion of the official proposals only, though wide consideration is being given to the problem in unofficial quarters as well.[3]

It must be noted, in the first place, that there is little complaint concerning the fundamental principles of the present Covenant. Many governments asserted positively that no reform was needed; that the difficulty lay not in the Covenant but in the members. Thus the reply of New Zealand was a confession of faith:

> We believe in the first place that there is no material fault in the existing provisions of the Covenant and that the difficulties that have arisen, and may arise in the future, are due to the method and the extent of its operation. We believe that the Covenant has never yet been fully applied and that it cannot be characterized as an ineffective instrument until it has been so applied. We are prepared to affirm with the utmost solemnity our continued acceptance of the Covenant as it stands.

The Soviet Union protested that "revision of the Covenant of the League cannot at the present juncture be regarded as justified by circumstances;" Latvia "regards the juridical system of the

[2] [1936. VII. 13.]

[3] Unofficial discussions, among many, may be found in the publications of the British League of Nations Society; the *Chronicle of World Affairs* published by the League of Nations Association, New York; the Federation of League of Nations Societies; the New Commonwealth Society (England), especially in the *New Commonwealth Quarterly*, September, 1936; Geneva Special Studies, "The Covenant and the Pact," Vol. I, No. 9 (December, 1930), and "Reform of the League of Nations," Vol. V, Nos. 7–8 (1934); J. T. Shotwell, *On the Rim of the Abyss* (New York, 1936); *The Future of the League of Nations*, Record of a Series of Discussions at Chatham House (Oxford University Press, 1936); "L'eventuelle réforme de la Société des Nations," by Jean Ray, in *Revue de Droit International et de Législation Comparée*, Vol. 17, No. 2, 1936.

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League as entirely adequate." Mr. Anthony Eden, in his speech of September 25, said:

> Reflection shows one thing clearly—there is nothing essentially wrong with our charter, the Covenant of the League of Nations. Its general principles are right; it forms a logical and reasonable system which should not be incapable of practical application.

France had, from the beginning, been unwilling to accept any reform which would make of the League "merely an academic consulting body."[4]

Only a few states offered criticism. Italy, in a communication to the League at its summer session, asserted that the League needed reform, and was willing to assist in achieving it. Hungary admitted "shortcomings, some of a very serious nature," in a speech of September 28. Panama denounced the League as a failure, but apparently because of the attitude of its members. Other states, while affirming devotion to the principles of the Covenant, made suggestions which would vitally change it. Thus the Rt. Hon. MacKenzie King, speaking for Canada on September 29, said:

> Canada comes to the League of Nations today with a desire to reaffirm her adherence to the fundamental principles of the Covenant. . . . At the same time, there is general concurrence in the view, which has been expressed by leaders of all political parties since the beginning of the League, that automatic commitments to the use of force is not a practical policy.

And Canada continued to attack Article 10, and to express hesitation as to common action against an aggressor.

These expressions of conviction, with the few exceptions thereto, explain the terms of the Assembly recommendation quoted above. The Assembly is "firmly attached to the principles of the Covenant;" it seeks to make more effective the guarantees of security; it proposes to strengthen the authority of the League; and it would do this, not by important changes, but by "adapting the application of these principles." Subsequent action under this recom-

[4] This attitude was taken by most states. The Chinese government "believes that what is needed is not a revision of the Covenant, but only an elaboration of the methods and procedure for the realization of the principles already embodied therein" [1936. VII. 10]. M. Krofta, speaking on September 29, asserted that "as regards the reform of the League, the states of the *Petite Entente* do not think the Covenant should be altered." Cuba, Iraq, Sweden, Australia, and others expressed similar views.

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mendation is entitled in League documents "Application of the Principles of the Covenant of the League of Nations." Thus the terms of reference would seem positively to forbid any change of principle, or any effort to weaken the League, and to permit only such changes as would improve the application of the existent principles.

This feeling is apparent, too, in the discussion of the method of procedure. Revision, of course, is rigorously excluded; most governments are opposed even to formal amendments.[5] The Danish government replied that "it is neither necessary nor possible to amend the Covenant." France was not willing to "call into question any of its principles and thereby to weaken both its influence and its action," by proposing amendments. Lithuania hoped that "the present wording of the articles of the Covenant will be left intact." Most states expressed some such feeling, though some, at the same time, made suggestions which could be realized only through amendment. Apparently it is believed that the ends desired can be reached through interpretation. Thus, General Tanczos of Hungary, on September 28, argued that a serious attempt should be made to perfect the principles of the Covenant "without any radical modification of the Covenant itself, by means of interpretative resolutions for which the League's antecedents offer us certain guiding lines."[6]

In spite of this opposition to formal or fundamental change, some of the proposals could hardly avoid producing such change. The most common and fervent desire was for universality; it had

[5] The reason for this attitude is perhaps to be found in such unofficial statements as that of Madariaga: "All attempts at subordinating League reform to a new ratification of the Covenant by the governments concerned is not only impracticable but positively dangerous, for I feel that few, if any, governments would re-sign the Covenant if they had an opportunity to do so." M. Rappard had the same feeling: "To propose the method of formal amendments to the Covenant today would therefore, I am afraid, be to dig the grave of the League." See their comments on a proposed revision of the Covenant in the *New Commonwealth Quarterly*, Vol. 2 (1936).

[6] Cf. the comments of Madariaga, Salter, and Politis, in the work cited in the previous footnote; and the argument of Sir Arthur Salter in a Chatham House discussion (*The Future of the League of Nations*, Oxford University Press, 1936), p. 67, including the following: "If countries really mean business, they can act without any actual change in Article 11. There is nothing to prevent countries which have come to a decision as to what is to be done in a particular case from putting that decision into effect because one or two dissentients stand out. They can act as if that decision had been a formal and legal one under Article 11." (At this point Sir John Fischer Williams indicated agreement).

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been for this purpose that the Chilean delegate made his original proposal, and he repeated, on October 2, that "lack of universality was bound to make it impossible for the League to carry out the task which the Covenant had allotted to it." Mr. Eden, in his speech of September 25, said: "The authority of the League has without doubt been greatly impaired by the fact that its pronouncements do not have the weight of a verdict of universal world opinion." It was repeatedly emphasized that the task of the League was rendered unduly difficult, if not impossible, by the absence from its membership of important states.

But how could universality be secured? The Portuguese delegate, speaking on September 30, admitted his realization that "we shall have to provide for forms of coercion, not only against the aggressor, but also against those who will not accept the League's decisions" (to apply sanctions), and then despairingly said: "This task seems to me for the time being beyond us." The Baltic and Scandinavian states asked for study of the question, and urged that unremitting efforts be made to induce non-members to join the League.[7] This, however, only begs the question: how can they be induced to join? The Swiss government replied: "Such changes as may be made should render it easier for countries which are not members of the League to join it, and for those which have left it to return . . . what the Covenant would lose in juridical substance it would gain in moral force;" and, they argue further: "a League that is not universal is not merely a weaker and less effective institution, but an institution whose character is liable to deteriorate. . . . "

This is one side of the question, and Switzerland stands almost alone in so clear-cut a statement of the view that the League should be weakened. On the other hand, many states were of the opinion expressed by Estonia in her reply: "While no effort should be spared to make the League more comprehensive, care should be taken to avoid any such compromise as might reduce the power of the League and weaken its influence." And M. Litvinoff, speaking for the Union of Soviet Socialist Republics on September 28, made a vigorous protest:

[7] M. Münch of Denmark, speaking before the Assembly on September 28, said: "If the United States could decide to join it, the effect in favor of the stabilization of peace would probable be decisive. If it is impossible for the United States to participate as a member, we must at least try to devise means to enable the United States to share in measures to prevent war, should the eventuality arise."

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I would ask the supporters of 'universality at any price': Must we sacrifice all the fundamental principles of the League in order to adapt it to the theory and practice of such a state, or must we invite the latter itself to adapt its principles to the present ideology of the League? My reply, at any rate, is: Better a League without universality than universality without League principles.

Thus an issue is presented; in fact, a dilemma. Universality, in the view of all, is essential; most would ascribe the failure of the League to the absence of important states, particularly the United States. But most, too, are anxious to maintain, and indeed to increase, the strength of the League against an aggressor; and it seems clear that if the coercive action of the League, and the obligations of members toward this end, are maintained, it will be impossible to induce the United States, or Japan, or Germany, to enter the League, and indeed, that it might cause the desertion of other states, such as Italy. On the other hand, if the power of the League to protect them is taken away, many states would have no further interest in the institution.[8] So the question may be stated: Should the League reduce itself to machinery for international coöperation and content itself with the hope that from this cooperation there might arise voluntary efforts to protect its members against aggressions; or should the League maintain its sanctions and its authority to preserve peace and order, with the probable result that the world would be split into two opposed and armed groups?[9]

A very few states, such as the Soviet Union or New Zealand, would take the risks involved in maintaining the Covenant; still fewer (Switzerland almost alone) expressed a willingness to reduce the powers of the League in order to achieve universality; others could offer only vague hopes for a solution. But to quite a number the way out was to be found in regional organization. This was particularly true of the Latin-American states; it was the viewpoint of Chile, upon whose initiative the study was undertaken. Her delegate, on October 2, told the Assembly that "such regional

[8] Nevertheless, it is probably true that the League as machinery for international coöperation is by now indispensable in the community of nations, and that it will be maintained and will claim the support of all states, regardless of what happens to its political powers.

[9] It may be suggested, without over-much cynicism, that such a split will occur in any event, and that it may as well be upon the basis of those who wish to maintain law and order as against those who seek to achieve their ends through violence.

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organization, provided it bears no characteristics of a political or military alliance, is perhaps the most active means of making universality a living force;" and he offered his whole-hearted support to the plan offered by the Argentine Republic. What the latter government seeks is formulæ "for ensuring the coöperation of these countries [the non-member states] in efforts aimed at the maintenance of peace." This could be done by acceptance of the Argentine Pact of Non-Aggression and Conciliation;[10] or by generalization of the provisions of Article 4 of the draft Treaty for the Maintenance of Peace submitted to the Buenos Aires Conference. According to this system, states members both of the League and of the Saavedra Lamas systems would ask states not members of the League to coöperate in anti-war measures or in the sanctions of the League; the non-member states would decide for themselves whether coöperation should be undertaken, and whether such collaboration should be in the form of joint cooperation or of unilateral acts of assistance.

The Argentine proposal is the most elastic of those which seek universality; it does not even presuppose that non-member states will enter the League, and only indirectly is it regional in character. Other suggestions look not so much toward coöperation with non-members as toward a League system in which obligations would be so reduced that non-members might be induced to join. Colombia proposed decentralization into groups such as the European Union or the Association of American Nations; and

> The regional or continental associations would deal with problems of an exclusively regional or continental nature, and the procedure applied by them will, in the first instance, be that provided for in Article 15 if there arises between the states members of these associations a dispute likely to lead to a rupture. The associations would also be instructed to take steps to maintain peace in case of a local war or threat of war.

The reply of Uruguay took a similar position:

[10] This would create a "juridical link between the League and the non-member states." "It is necessary to bear in mind the fact, perhaps insufficiently appreciated in Europe, that the American nation made no objection to subscribing to the obligations embodied in the Argentine Pact. Consequently, this instrument proposed for universal adoption enables each acceding state to rely, for the high purpose of conciliation and harmony, on the invaluable coöperation of the great nation to which the Geneva institution indirectly owes its creation." Quoted from the preface to Dr. Saavedra Lamas' work, *The Argentine Pact of Non-Aggression and Conciliation* (published by the Ministry of Foreign Affairs of the Argentine Republic), by the Secretary-General in his study of the proposals submitted [1936. VII. 8].

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When a conflict breaks out, the countries situated in the zone affected or those most directly interested in the consequences of the crisis will have to assume corresponding obligations, while all the other nations will subordinate themselves to the action of these countries.

Many other states, with more or less enthusiasm, accepted the idea of regional organizations, but always with caution, for fear that such organizations might, as Hungary said, "lead back to the old system of military alliances;" and always with the condition explicitly stated that they should not be inconsistent with the obligations of the Covenant.

The purpose behind these proposals was to maintain the principle of collective action, while at the same time reducing the burden of such action upon members, so that they might be more interested and more sincerely willing to execute their obligations than they had been in the two recent crises. Some, indeed, hoped that the effectiveness of sanctions would thereby be increased rather than diminished. In any case, the chief issue involved was that of sanctions; and it is in connection with Article 16 and its methods of application that these proposals must be discussed.

As to the principle of collective security laid down in that article, there was little if any dissent, though there was a vast amount of pessimism and discouragement.[11] Most of the states hold that this is the most important principle in the Covenant; most of them would like to see it applied more effectively, though they are exceedingly puzzled as to how this is to be done. Many of them would relate this article to other functions of the League. Peru maintained that its success depends upon legal equality of members. Others, as Hungary in her reply, or Australia in a speech of September 29, were convinced that Article 19 must be made effective before collective security could be achieved. Argentina would tie Article 16 to Article 10; China would tie it to both Articles 10 and 11. The Scandinavian states and France, among others, claim that "disarmament is the measure of full collective security."

It is with the question of practical means of applying the prin-

[11] In his study of the replies of governments, the Secretary-General lists Argentina, Peru, and Switzerland as throwing doubts upon the principle of security. Perusal of their replies seems to indicate that they are pessimistic rather concerning the method of achieving this security, i.e., sanctions. This, perhaps, was what was meant in the report of the Secretary-General, since the remark is found under the heading of Article 16.

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ciple of collective security that divergences of opinion and discouragements appear. A number of the replies strike at what is without question one of the chief weaknesses of the League machinery, as interpreted by the Assembly resolutions of 1921: each member was left free, by these resolutions, to decide for itself when its obligations under Article 16 should go into effect. The replies of governments and the speeches of delegates emphasize the necessity of preparation in advance, and of automatic sanctions. Thus, Colombia writes: "The economic and financial sanctions referred to in Article 16 would come into force automatically as soon as the competent organs of the League had determined the aggressor." New Zealand, in her carefully considered reply, asserted that sanctions will be ineffective "unless they are made immediate and automatic." Other states proposed that time-limits be set for such action. The Lithuanian reply asked that "the duration of the procedure previous to the actual coming into play of the safeguards of the Covenant shall be reduced to a strict minimum;" and the U.S.S.R. proposed that the Council should assemble within three days, and should give its decision within three days after its convocation. The Baltic states proposed, in order to speed up the procedure, that the rule of unanimity should not be applied under Article 16; decisions should be taken by majority, or three-fourths vote, or else the votes of the interested parties should not be counted.

At this point, of course, arises the much discussed question of defining the "aggressor." This much-abused phrase has come to mean, in League procedure, determining which state has resorted to war in disregard of its covenants; in other words, the aggressor is the covenant-breaker. Only one state offered a definition; the Soviet Union recommended the definition which it had proposed on May 24, 1933, and which was adopted by the Committee on Security of the Conference for the Reduction and Limitation of Armaments. Such other states as referred to the matter did no more than ask for a definition of aggression; and it seems correct to interpret this request as a desire for a more precise method of determining the state against which Article 16 was to be applied.

With regard to sanctions, a sharp distinction is made between economic and military measures. The Swiss government objected to the present economic sanctions because they produce inequalities:

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Although the obligations assumed by each party are theoretically identical, their effects differ greatly according to whether they apply to a Great Power or to a country with more limited resources. It seems to us essential that a fairer balance should be established between the risks incurred by the former and by the latter.

The Swedish government, in its reply, regarded it as impossible to apply economic sanctions effectively, because of the "tension which prevails in the general political situation, the incompleteness of the League, and the continual increase in national armaments." Other states, too, are discouraged; but none, it appears, urges that the system of economic sanctions be discontinued. It is frequently asseverated that they have not had a fair trial, and that they could be made effective. Various states demand that a detailed plan for their application be prepared beforehand, and that member states provide the necessary domestic legislation so that they can act promptly.

One of the lessons learned from recent experience is that the application of economic sanctions imposes unequal, and sometimes disproportionate, burdens and risks upon the states applying them. This was the feeling of the Swiss government, as above quoted. New Zealand is of the opinion that sanctions must take the form of a complete boycott if they are to be effective; most states, however, are willing for the economic restrictions to be gradual in their application. The Soviet Union, for example, would allow the Council to determine by majority vote not only the application of the measures contemplated in Article 16, but also their extent and execution. Again, it is suggested that differentiations must be made as between states applying sanctions. Peru would have economic sanctions recommended only to such states as can put them into effective operation. The Lithuanian government is of opinion that the universal assistance to be afforded to a victim of aggression should not be limited to negative acts, but "should also be positive in the form of political, financial, and economic assistance to be granted to the victim of aggression." The Soviet Union went so far as to ask that "any member of the League who fails to participate in economic and financial sanctions may be subjected to measures of customs and trade discrimination on the part of the other states members." A number of the replies asked that the Convention for Financial Assistance of October 2, 1930, be made more effective.

While the members of the League seem willing to maintain eco-

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nomic sanctions in support of collective security, they are not so willing as regards military sanctions. The government of New Zealand is "prepared, to the extent of our power, to join in the collective application of force against any future aggressor;" and the delegate of Portugal told the Assembly, on September 30: "Abandon once and for all the use of military sanctions, and you will have abandoned international order." But, for the most part, states either reject explicitly any further obligations in this field or recognize the impossibility of securing such action and seek to find some method other than universal obligation. The Scandinavian states were definitely unwilling to accept obligations which might go further than those already contained in the Covenant. The Argentine government thinks that military sanctions should not be binding upon members not implicated in the dispute. The Swiss government considers the objections to Article 16 well justified, and in any case relies upon the country's long established neutrality to escape any such obligations. The Rt. Hon. W. L. Mackenzie King, in a speech to the Assembly which balanced Canada precariously on the fence, reaffirmed adherence to collective security and pointed out that Canada had always opposed automatic commitment to military action, but denied that Canada would never participate in common action against an aggressor; such action must in each case be subject to approval by Parliament.

To meet this situation, states which had long believed in the necessity of military action against an offender sought to find ways and means of securing this action. One method, which would presumably satisfy Canada,[12] is to permit, rather than require, members to take military action if they so desire. In order to strengthen this possibility, members might be authorized by the League to make use of military force in cases where their interests coincided with those of the community. The action thus taken might be somewhat haphazard, and would not constitute a firm foundation for international government. But it would be better than abandoning entirely the idea of coercive force against a law-breaker.

Another method, which received the most support, was the idea of regional organization mentioned above. If far distant or uninterested members were unwilling to render military assistance, per-

[12] Perhaps also the United States, in view of the Pope Resolution. See footnote 17 *infra*.

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haps those with regional or other interests would feel impelled to do so. France, always a supporter of strong sanctions, would restrict "to the Powers which are nearest, geographically or politically, to the Power that is attacked" the risk involved by military assistance. She explained further, in her reply, that a regional understanding is "any group whose union is based upon geographical situation or upon a community of interests." Many other replies favored such a solution. Uruguay refers to "the countries situated in the zone affected, or those most directly interested in the consequences of the crisis." Colombia speaks of regional or continental associations which would deal "with problems of an exclusively regional or continental nature." M. Krofta, speaking for the Little Entente on September 29, hoped that the League would encourage the application of the military obligations under Article 16 by "collaboration between states whose vital interests may be threatened by a violation of the undertakings entered into under the Covenant." The Soviet Union works toward the same end through a divergent road: "mutual assistance agreements between states concerned in the maintenance of security in specific areas;" military sanctions, under its plan, would be obligatory upon the parties to such agreements, and could also be undertaken by such other states as wish to follow the recommendation of the Council.

All who tend in this direction emphasize that such arrangements shall be "in the spirit of the League, and under its aegis;" or, as Latvia put it, that they should be complementary, not substitutive. All are on guard against the unauthorized misuse of military force, and against a division of the world into the old selfish military alliances. It is recognized, too, to some extent, that this division of obligations cannot refer to economic sanctions, which must be universal if they are to be effective. Thus, New Zealand does not approve of regional pacts, but would be "prepared to support a collective system in which all members of the League, while accepting the immediate and universal application of the economic sanctions contemplated by Article 16, nevertheless, if they desired to do so, should restrict to defined areas their undertaking to use force." The reply of the Iraqi government also proposed "that, while obligations to enforce economic and financial measures should remain world-wide, obligations to take military measures should be regional in scope and agreed upon in advance among states whose

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geographical position gives each an immediate and overwhelming interest in the fate of any of the others."

To many states, however, it is more important to prevent than to repress war; and their statements deal more particularly with Article 11, Article 19, and others. The Scandinavian states, supported by England, France, and others, would resume the study of disarmament since (in the view of some of these) coercion by the League is rendered more difficult if powerful national military organizations exist for resistance. Secretary Eden, in his speech of September 25, sought to find "some method of enabling the League to intervene more effectively in the early stages of a crisis." Article 11 would offer opportunity for useful action, except for the rule of unanimity. He thought it all-important that members of the Council should state their opinions at an early stage:

> If at the outset, or at an early stage of the dispute, the parties are left in no doubt of the will of the Council and of the determination of member states to enforce it, this must act as a powerful deterrent to any party contemplating aggression in violation of the Covenant. And the earlier such party is brought to realize the situation, the easier it will be for him to modify his attitude and to conform to what the Council may recommend.

Many other states took the opportunity to underline the importance of Article 11, which is now recognized as one of the most useful articles of the Covenant. The chief difficulty in using this article is that unanimity is required. Many states, therefore, such as Great Britain, proposed that the votes of the disputants be not counted. M. Delbos, speaking for France, on September 26, expressed a willingness to accept such a proposal as "an exceptional departure from the rule of unanimity."[13] Some states, as Latvia and Norway, would leave the decision to a majority vote; others, as China, ask merely for a relaxation of the rule. Several states suggested that a system be elaborated, for the guidance of the Council, for putting into effect Article 11. In this connection, it was suggested that such

[13] In a speech before the Assembly on July 3, 1936, he had said: "The French government, however, does not attack the unanimity rule in general; it does not forget that the League of Nations respects the sovereignty of states. Moreover, the consent of those concerned is essential when there is a proposal to take measures which have to be applied upon their own territory, or which, in any case, call for their collaboration." The Uruguayan and Peruvian governments also upheld the rule of unanimity, though the latter was willing to drop it in the use of Articles 15 and 19.

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endeavors be correlated with the Convention (of September 26, 1931) to Improve the Means of Preventing War.

In all this discussion, there is no proposal which might be connected with the principle (though not with the motive or purpose) of the neutrality legislation recently passed in the United States; that is, of taking action against both parties to the dispute. The principle upon which the League operates is that the law-breaker must be determined before coercive action can be undertaken against either. It has, however, always seemed natural to the writer to draw an analogy from domestic government; and here the first measure taken in case of a conflict between individuals is to prevent or stop the use of physical violence by *either* party of the dispute. Decision as to which is the aggressor, or upon the merits of the dispute, follows later. Under its present constitutional system, the League of Nations finds it difficult to intervene against a use of force until it has first decided which party is in the wrong. It is at least worthy of consideration whether new principles and machinery should not be added which would enable the League to halt *any* use of violence between states—*any* war, not merely aggressive war—without waiting to decide the dispute upon its merits, which is necessarily a slow job. It is conceivable that the United States might be willing to adopt, or that its present legislation might lead to, auxiliary if not coöperative measures to prevent the use of force by both parties, even though she should be unwilling to participate in later measures, if they were necessary, against an aggressor.[14]

In spite of the wide discussion of peaceful change and the neces-

[14] In a recent discussion at Chatham House, Lord Howard of Penrith said: "There is thus only one way in deciding how the League should act if action is to be taken to stop war, and this is to declare beforehand that, as soon as hostilities break out between two sovereign nations, no matter where, why, or when, that international body which shall be chosen for the purpose by the nations of the world, acting collectively, will notify the belligerents that unless they submit to sign an armistice within a given time and submit their dispute to some peaceful settlement, certain well-understood economic, financial, and other non-military sanctions will be applied to them, and continue to be so applied until they are willing to agree to cease fighting. If one declares himself to be so willing, sanctions will be raised as against him." *The Future of the League of Nations*, Royal Institute of International Affairs (Oxford University Press, New York, 1936), pp. 91–92. And Professor Jessup, at the International Studies Conference, remarked: "If a policeman came on the scene, and found them both struggling, he would take them both off to the station house until a magistrate had decided which was the aggressor." M. Bourgin, *Collective Security* (Oxford Press, 1936), p. 435.

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sity of making provision for it, few constructive proposals appeared concerning Article 19. A number of states, especially Hungary, regard the problem as of great importance, and are anxious to have something done. Peru and Norway suggest that the rule of unanimity be not applied to that article. Mr. Eden, while recognizing the situation as a principal failing of the League, asserted that "it would plainly be impracticable to seek to give the Assembly power to impose changes against the wishes of the parties concerned." The delegate of the Soviet Union, in his speech of September 28, averred that reconsideration of a treaty is possible only with the consent of the interested parties, as in the case of the Straits Convention. The problem was attacked from a different angle by various proposals to improve international trade and cooperation. Denmark asks for a committee of experts to study the problem of raw materials; Iraq is interested in the question of surplus population and colonial possessions; Denmark and Norway wish to study monetary questions; others seek closer understanding through use of the radio, etc.

Other proposals must, for lack of space, be summarized briefly. There was little opposition to the idea of separating the Covenant from the Peace Treaties; the Austrian delegate, on September 29, proposed "to make of it a charter signed freely and on a footing of perfect equality by all the members of the League." Some states asked that the Covenant be coördinated with the Pact of Paris and with the Argentine Anti-War Pact; Peru asked also that the Hoover-Stimson doctrine be added to Article 10. It may be noted, in this connection, that very little attention is paid to the article which President Wilson regarded as the backbone of the Covenant. The Argentine government, in its reply, asked that the sanctions of Article 16 be put behind Article 10; and Lithuania raised the question of unanimity in connection therewith. Perhaps the general acceptance of the principle of collective security may be taken to imply that no debate was necessary as to this article.

Nor were there many suggestions as to the organization of the League; such as there were can hardly be regarded as constructive. The Argentine reply demanded that the Council be democratized; that of Colombia asked that permanent seats upon the Council be abolished and seats distributed on a regional or continental basis. Peru wished to introduce even into the Secretariat "the prin-

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ciple of the proportional representation of continental groups." Finally, mention may be made of some proposals for improving the machinery for the pacific settlement of disputes, such as asking for advisory opinions from the Court by a majority vote, or permitting action to be taken under Article 15 by a two-thirds majority.

The Committee which had been agreed upon at the September Assembly held a meeting in December; and the great difficulties of the problem were reflected in the unwillingness of delegates to talk. It was agreed to divide the proposals into two groups, of more or less urgent matters. Universality was placed in the former group, since more proposals had been made concerning it than anything else; and under that heading were included not only the participation of all states, but also coöperation with non-members, coördination with the Kellogg Pact and with the Argentine Pact, and the question of regional organization. The matter of separating the Covenant from the Treaty of Versailles and the question of improving coöperation in economic and financial matters were also included in the more urgent group.[15]

The attention of members of the League obviously has been directed toward the machinery of that institution for preserving peace. No question is raised concerning it as machinery for international coöperation; in this field, there is no doubt of its value to all states. Even in the field of control of war, there is little discontent with the existing machinery; it is recognized that the difficulty lies rather in the failure of members to fulfill their duties. Explanations for the unwillingness of states to act in accordance with their obligations are sought in the absence of certain powerful states and the uncertainty as to their action; in the lack of machinery for peaceful change; in the unequal burden of sanctions upon the states applying them; in the lack of a central authority for determining the covenant-breaker; and elsewhere.

The dilemma of the League is a baffling one. The absence of the United States alone renders it ineffective in many important matters; with Germany and Japan out, and Italy as little helpful as if she were out, there is not only the question of effectiveness but the possibility of schism in the community of nations. In such a division, it is a little difficult to conceive of the United States taking a

[15] New York *Times*, December 16, 1936.

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stand against democratic governments, yet the logic of her refusal to join the League is the same as that of the dictatorial states. If there were a showdown, the absence of the United States would, at the least, make the balance of power more favorable to the dictatorial states.

It seems manifest, then, that the first task of the League must be to induce the Great Powers to join the League—particularly the United States; or, at any rate, enough of them so that there can no longer be a danger of schism. It is inconceivable, at present, that Germany or Japan would return to a League of Nations in which the sanctions of Article 16 were effective. Though Italy remains in the League, Mussolini has said that disarmament, collective security, and indivisible peace (i.e., universal solidarity against a disturber of the peace) must be abandoned.[16] And as for the United States, the farthest step yet taken toward entry into the League is the Pope Resolution, still lying in a pigeonhole, which would accept membership on the understanding (among others) "that the decision of the United States in case the peace of nations is threatened shall rest with the government of the United States, acting according to the Constitution."[17] Here, then, are four Great Powers unwilling to accept any obligation of joint action against a Covenant-breaking state; and there are members within the League who are almost as unwilling.

It is difficult to avoid the conclusion, for the time being, that the League must consent to a diminution of the authority which it now possesses. Such a weakening of authority could be accomplished in several stages. Through limitation of the application of sanctions to certain regions or fields of interest, it might be possible to induce states to participate in sanctions through self-interest, granted that they do not yet see that it is distinctly to their self-interest to act against war wherever it occurs. To the writer, the difficulties of a practical nature in the way of such regional organization seem insuperable.

To go further, members might be relieved of any obligation to participate in the use of sanctions. This, however, should be distinguished from the still further step of removing from the Covenant all authority for common coercive action against an offender—

[16] New York *Times*, November 14, 1936.

[17] Senate Joint Resolution 119, 74th Cong., 1st sess., May 7, 1935.

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a step which should not be taken. It need not be taken, since states could combine for that purpose, and doubtless would combine for less worthy purposes, Covenant or no Covenant. At its weakest, the Covenant should furnish machinery for international coöperation, with the right, if not the duty, to take voluntary common action against an offender. It could be hoped, then, that states would occasionally, because of a realized need, engage in such voluntary action, and that they would thus learn the value and the need of further authority, as did the United States under the Articles of Confederation. And finally, if such concessions are to be made, this might better be done through agreement not to make use of the present provisions of the Covenant than through eliminating them by formal amendment.

But, whatever changes are made, the League should not follow the example hitherto set of humble submission to dissentients. Instead of concessions, it should set conditions. It should study how to make membership advantageous and non-membership disadvantageous. The non-member state which seeks to share in its advantages without accepting a share in its responsibilities should be excluded from such participation, where this can be done without loss to the community. There are many fields of economic and political activity in which non-members could be excluded from the benefits accruing to members. The failure of the League, it is submitted, is due—so far as there has been failure—to its neglect to "sell" itself as a body in which membership brings material advantages and non-membership brings material disadvantages.

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Campaign Funds in the Presidential Election of 1936.[1] A study of the financing of the 1936 campaign is particularly interesting since it may show what, if any, effect the "New Deal" program has had upon political alignments. Eventually, any radical shift in the support of a political party must be reflected in the sources from which it draws its campaign funds.

In 1928, both major parties depended largely upon bankers and manufacturers for their contributions, although the Republicans received a larger proportion of their fund from manufacturers than did their rivals.[2] In 1932, although the proportion of the Democratic fund coming from manufacturers dropped appreciably,[3] Roosevelt's promises of a New Deal had no apparent effect upon the support of the bankers, who contributed as heavily as in 1928.

What, if any, was the effect of the New Deal in action? If it has alienated the captains of finance and industry, the fact should appear in the make-up of the campaign fund. If the cleavage between the major parties is being drawn more definitely on economic lines—between the "haves" and the "have nots," if you like—there should be some evidence of it in the financial support of the parties. The effect of the New Deal upon the financial allegiance of various economic groups is the question which has been kept uppermost throughout this study.

The financing of the 1936 campaign, like that of many which preceded it, was the subject of an investigation by a senatorial committee. Authorized in April, 1936, and headed by Senator Lonergan of Connecticut, the committee reported in March, 1937.[4] Unlike most of its predecessors, it held no public hearings, confining its activity to investigation of complaints registered with it, and assembling as complete information as possible about the various groups which were financially active. The committee quite obviously wished to avoid injecting itself into controversial issues where that could be avoided,[5] and its report makes few specific

[1] This study was made possible by a grant-in-aid from the Social Science Research Council and a sabbatical leave from Wellesley College, both of which the writer is glad to have this opportunity to acknowledge.

[2] See the writer's *Money in Elections*, pp. 161–164.

[3] From 16 to 10 per cent. See "Campaign Funds in a Depression Year," in this REVIEW, Vol. 27 (Oct., 1933), pp. 776–778.

[4] United States, Congress, Senate, Special Committee to Investigate Campaign Expenditures of Presidential, Vice-Presidential, and Senatorial Candidates in 1936, *Investigation of Campaign Expenditures in 1936*, *Report*, March 4, 1937 (75th Cong., 1st sess., Sen. Rep. 151). Hereafter this will be cited as Lonergan *Report*.

[5] Note, for example, its disposition of the charges that W.P.A. workers were coerced in Pennsylvania (*Report*, pp. 14–15), and that advertising in the *Book of the Democratic Convention* was in violation of the Corrupt Practices Act (*Report*, pp. 18–19).

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recommendations. So far as any immediate legislative program is concerned, therefore, the usefulness of the investigation would seem to have been more limited than that of many of the earlier inquiries. However, the very existence of the committee probably prevented questionable practices in numerous instances, and the report assembles extremely valuable information that otherwise would not have been made a matter of permanent record. Especially important are the data concerning the contributions of organized labor to the campaign and the scattering of the contributions of certain individuals and families among many organizations.

Although the Lonergan *Report* has been extremely useful in connection with this study, in the main it is based upon the official records filed in the office of the clerk of the House, and a word about this material may not be amiss. The reports filed by the Democratic National Committee not only comply with the Corrupt Practices Act but are complete, legible, and in such form as to leave nothing to be desired by the investigator. The same cannot be said for Republican reports, however. All contributions, whatever the size of the gifts, are listed, and the reports are on very heavy paper, making them so bulky that they are difficult to use. Many pages are imperfect carbon copies, with numerous erasures, making it difficult, and sometimes impossible, to read the initials of the contributor and the amount of his contribution. The state of these reports is such that only approximate accuracy can be claimed for the data obtained from them. Finally it should be noted that in one respect recent reports did not fully comply with the Corrupt Practices Act. The report filed January, 1937, summarizing the financial status as of December 31, 1936, included no statement of loans or unpaid bills. In February, however, a supplementary report was filed which included this information. The report filed March 1, 1937, included a complete list of "bills payable," but no statement of loans outstanding. These are serious irregularities.

After struggling to compile comparable data from the reports of the two national committees, this writer can echo most heartily the statement of the Lonergan Committee that "there is no accounting practice in the United States today which presents so many complexities arising from lack of uniformity and completeness as that of political organizations," and can endorse its recommendation that a uniform system of accounting be prescribed by law.[6]

It will be remembered that both parties ended the campaign of 1932 in debt.[7] During 1933, the Democratic deficit was reduced from $800,000 to slightly over $500,000. Some $200,000 of the remaining obligations were loans contracted during the 1928 campaign or between 1928 and

[6] *Report*, p. 136.

[7] See "Campaign Funds in a Depression Year," *op. cit.*

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1932. Over $80,000 was still owed John J. Raskob, who had so largely financed the party in the dark days following the Smith defeat. The balance of the deficit was represented by unpaid bills, most of them for broadcasting during the 1932 campaign. This indebtedness was reduced but slightly in 1934 and 1935, and on January 1, 1936, the party faced the campaign with a debt of $400,000. By March of that year, the Committee had achieved the difficult feat of paying all its debts, and on June first the treasury showed a balance of $125,000. The party almost immediately went back into the "red," but for at least a brief period it was solvent—a happy state of affairs which had not existed since 1928. The books were balanced largely by receipts from two sources: $200,000 which citizens of Philadelphia raised to bring the 1936 convention to that city and $275,000 from Jackson Day dinners held in January. It should be noted that the large bills for radio time which had been outstanding at the end of the 1932 campaign were eventually paid in full.

There is a certain element of irony in the fact that in 1936 Mr. Raskob, whose financial support had made possible the rehabilitation of the party and laid the foundation for Roosevelt's victory in 1932, found himself in the position of having played financial godfather to one whose legislative program he now thoroughly disapproved.

From the financial reports, it is evident that a vigorous organization was maintained by the Democratic National Committee between campaigns. Operating expenses in 1934 totaled over $300,000; and in 1935 over $385,000 was spent.[8] Apparently Mr. Farley operates upon the theory that the party should function continuously and that between-campaign activity is an important factor in winning elections. This may be one of the secrets of his success.

At the close of the 1932 campaign, the Republican deficit was $200,000. During 1933 and 1934, all obligations were paid and by January 1, 1936, the treasury showed a comfortable surplus of $260,000. These funds were raised, for the most part, in large contributions, only 2.3 per cent of the $883,519 contributed coming from those who gave in sums less than $100. Among the more generous contributors were the members of the Pew family of Pennsylvania, associated with the Sun Oil Company, $118,500; the Mellons of Pittsburgh, $45,000; the Rockefellers, $25,000; the Balls of Muncie, Indiana, $21,000; C. B. Goodspeed, Chicago, $15,000; the du Ponts of Delaware, $14,000; Silas H. Strawn, Chicago, $10,000; and the Weirs of Pittsburgh, $10,000. These eight families contributed 29 per cent of all that the Republican National Committee received during this period.

Although the Republicans faced the task of party rehabilitation after the defeat of 1932, and apparently did not lack funds, their organization

[8] This is exclusive of loans repaid or contributions to other organizations.

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was practically dormant between the campaigns. Their operating expenses in 1933 were only $60,500, and in both 1934 and 1935 they spent substantially less than the Democrats.[9] One lesson which they might draw from the 1936 débâcle is that more might profitably be spent between campaigns and less during the campaigns themselves.

TABLE I

EXPENDITURES OF NATIONAL COMMITTEES, JANUARY 1 TO DECEMBER 31, 1936

	Democrats	*Republicans*
Expended during campaign	$4,956,348[a]	$7,980,710
Bills unpaid	238,393	912,262
Total	$5,194,741	$8,892,972
Contributed to state committees and other organizations[b]	$ 663,257	$2,058,630
Expended by National Committee	4,531,484	6,834,342
Total	$5,194,741	$8,892,972

[a] Loans repaid totaling $74,500 are not included. The figure represents as accurately as possible the running expenses of the campaign.

[b] Funds returned to the states under agreements with state committees, as well as advances, are included in this item. It includes, also, funds contributed to congressional and senatorial campaign committees, and Democratic advances to the Roosevelt Agricultural Committee, the Good Neighbor League, and the Committee of One.

The expenditures of the two national committees, summarized in Table I, show that a record was established for presidential campaigns, the $14,000,000 total exceeding by $2,500,000 the expenditure in the expensive campaign of 1928, and being more than two and a half times that of 1932. The figures show, also, that the expenditures of the defeated Republicans exceeded those of the successful party by more than $3,500,000, another instance in which the victory did not go to the party spending the most money. It was probably true, as the Republicans were quick to point out, that many expenditures of the national government, particularly those for relief and W.P.A. projects, aided the Democratic candidate directly or indirectly and that too much emphasis should not be laid upon the disparity between the expenditures of the two national committees. However, the experience of the Democrats in 1928, coupled with that of the Republicans in 1936, would seem to indicate that elections

[9] The figures are as follows: 1934, Democrats, $303,756, Republicans, $216,676; 1935, Democrats, $385,974, Republicans, $159,977.

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cannot be won by money alone. Democratic expenditures in 1936 were slightly less than in 1928, but more than in any previous campaign, and more than twice the expenditures of 1932. Relatively as well absolutely, the total expenditures exceeded those of previous campaigns, the cost per vote being $.32.[10] The cost per vote received by the Democrats was only $.19—as low as in any previous campaign; but the Republican National Committee spent $.52 for every vote that the party polled—more than in any previous campaign.[11]

As usual, one of the largest single items in the budgets was for radio time, the Democrats spending $582,327 for this purpose, and the Republicans $757,737. This represented 12.9 per cent of the Democratic total, and 11.1 per cent of all that the Republicans spent. Absolutely, these figures represent a greater expenditure for this purpose than in any previous campaign; relatively, however, both parties spent less than in 1932.[12] The Republicans ended the campaign with a large part of their radio bills unpaid, only $400,000 of the total being paid during the campaign.[13] Another interesting item which it was possible to identify in the reports was the expenditure for postage. Postmaster-General Farley received $206,000 from Chairman Farley of the Democratic National Committee for this purpose and $264,000 from the Republicans. These sums represent 4.6 per cent and 3.9 per cent, respectively, of all that the national committees spent.

In the 1936 campaign, both major parties received important aid from auxiliary organizations or from groups which functioned entirely independently. The most important of these are listed in Table II. Their combined expenditures exceeded $1,400,000, but more than $300,000 of this came from the Democratic National Committee and has already been accounted for. Nevertheless, the $1,000,000 remaining is sufficiently large to suggest that these organizations should be carefully regulated.

One other group, organized on a partisan basis and actively supporting President Roosevelt's reëlection, spent a substantial amount during the

[10] The cost per vote in 1932 was $.13, and $.19 to $.20 in other recent campaigns. In 1936, the vote of Democrats and Republicans was 44,156,256, the combined expenditures $14,087,713.

[11] These figures are based upon the total expenditures of the National Committee. For figures for previous campaigns, see the writer's *Money in Elections*, pp. 75–76.

[12] In 1932, the Democrats spent $343,415, or more than 17 per cent of their fund, for this purpose; the Republicans spent $551,972, or more than 20 per cent.

[13] The figure for the total expenditure for broadcasting was furnished by C. B. Goodspeed, treasurer of the Committee. In the Committee's report of unpaid bills, the names of the firms to which the amounts were owed are given, but not the purposes for which the bills were contracted. It is not always possible to identify broadcasting expenditures by the names of the concerns, as much of the radio time in 1936 was bought from advertising agencies which handle other kinds of publicity as well.

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campaign. The reports of the American Labor party show expenditures of $218,118, none of which was advanced by the Democratic National Committee.

TABLE II

EXPENDITURES OF IMPORTANT NON-PARTY ORGANIZATIONS IN 1936[14]

Favoring Democrats	*Expenditures*	*Received from National Committee*
Committee of One	$ 65,213	32,486
Good Neighbor League	168,677	34,750
Labor's Non-Partisan League	169,011	—
Progressive National Committee	54,460	—
Roosevelt Agricultural Committee	272,609	244,087
Progressive Republican Committee for Franklin D. Roosevelt	7,233	5,000
Young Democratic Clubs of America	22,973	10,750
Total	$760,176	$327,073
Favoring Republicans		
Independent Coalition of American Women	$107,783	—
Liberty League (National headquarters)	518,123	—
Women's National Republican Club	27,973	—
Total	$653,879	—

The receipts of the national committees of the major parties are summarized in Table III. Democratic receipts present certain difficulties because of the unusual and ingenious devices used. Regular "cash contributions" represented less than half of the total receipts. More than three-quarters of a million dollars was turned over to the Committee from the Roosevelt Nominators division, organized to induce a large number of individuals to become "nominators" by subscribing $1.00 each to the campaign fund. This unit collected $1,015,988, with an operating cost of only $206,798, which speaks eloquently of its effectiveness. The $809,190 balance was transferred to the National Committee. The Nominators division filed separate reports of its receipts and disbursements, but $600,000 of the receipts were reported as collections from local groups,

[14] These figures were compiled from the reports filed by these organizations in the office of the clerk of the House, and cover the calendar year 1936. They do not agree in all cases with those appearing in the Lonergan *Report*, p. 26, because the committee used the period June to December, 1936.

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more than 5,000 of which functioned throughout the country.[15] These represented a large number of individual contributions, most of them in sums of less than $100, but it is impossible to state exactly how many.[16] The reports show one contribution to this division of $55,000 from H. L. Dougherty, of the Cities Service Company, New York; and six contributions of $5,000 or over, including gifts from A. J. Drexel Biddle, Jr., and Joseph E. Davies, members of the diplomatic corps; R. S. Maestri, mayor of New Orleans; and Cornelius V. Whitney, of New York City. Eighty-two per cent of all that was given was in small individual contributions collected by local groups, and gifts from labor organizations. It is evident, therefore, that a very large number of persons participated in raising this fund.

TABLE III

RECEIPTS OF THE NATIONAL COMMITTEES, JANUARY 1 TO DECEMBER 31, 1936[17]

Democrats		*Republicans*	
Cash contributions	$2,497,285	Cash contributions	$7,698,770
Sale of stock contributed	5,237		
Cancellation of loans	23,000		
Advertising in the *Book*	385,525		
Sale of the *Book*	481,488		
Sale of boxes at convention	36,400		
Jackson Day dinners	315,104		
Roosevelt Nominator division	809,190		
Committee to obtain convention	200,000		
Loans	357,500	Loans	45,000
Miscellaneous Receipts	95,430	Miscellaneous receipts	17,269
Total	$5,206,159	Total	$7,761,039

A much-discussed source of revenue was the *Book of the Democratic Convention of 1936*, a volume containing pictures of Democratic leaders, statements of the activities of various departments of the national government by their heads, and a variety of miscellaneous information. Three

[15] This information was furnished by Mr. J. Stephen Flynn, who was immediately in charge of this part of the campaign.

[16] According to Mr. Flynn: "No compilation of the number of individual subscribers was ever made, and frankly it would be an impossible task to attempt to dig the information out of the files." (Letter dated March 15, 1937.)

[17] All collections by the national committees, whether for themselves or as agents of other independent agencies, are included in this table. Republican receipts include collections made by the Finance Committee of Pennsylvania, Nassau County United Republican Finance Committee, and other similar groups, which were turned over to the National Committeee in lump sums.

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editions of this were published: a paper-bound edition before the convention which sold for $2.50; a $5.00 edition published after the convention and containing the President's acceptance speech; and a *de luxe* edition bound in leather and autographed by the President, which is still being sold at $100 a copy.[18] The volume contained a large number of paid advertisements, many of which were from corporations. It was this advertising that occasioned the complaint which the Republican National Committee filed with the Longeran Committee. It was charged that the numerous paid advertisements were really disguised contributions to the Democratic National Committee and that those from corporations were in violation of that provision of the Corrupt Practices Act which prohibits contributions from corporate organizations to political parties. The Democrats maintained that this was strictly a business venture, and that the rates charged were the usual commercial rates for advertising in publications of general circulation.[19] The Democratic position is probably defensible so far as the advertising is concerned. Certainly not all of the concerns which bought space did so because of sympathy with the Democratic party. For example, Armour and Company, Briggs Manufacturing Company, Firestone Tire and Rubber Company, and S. H. Kress and Company advertised in the *Book*, although members of these firms were heavy contributors to the Republican National Committee.

More questionable than the sale of the advertising to corporations was the sale of the *Book* itself to them. More than half of the $480,000 received from this source was from corporate organizations, many of which did not buy advertising space. Such well-known and varied concerns as Phillip Morris, the Italian Line, Remington-Rand, Elizabeth Arden, Dun and Bradstreet, Thomas Cook & Sons, F. W. Woolworth, and William Wrigley, Jr., were numbered among them. The most generous purchaser, however, was an individual. Margaret Biddle of Overbrook, Pennsylvania, purchased $20,000 worth of copies.

Whatever the primary object of the *Book*, it is clear that it netted the National Committee a tidy sum. Over $860,000 was received from advertising and sales. From the reports, it is impossible to determine with absolute accuracy the cost of the venture, but during the year 1936 the Committee spent $483,000 for commissions on advertising and sales, printing, and other expenses incident to the publication.[20] Making a generous allowance for error and for bills outstanding, it seems fair to conclude that it netted the Committee at least $250,000.

[18] The writer is indebted to Mrs. Mary C. Salisbury, the very able comptroller of the Democratic National Committee, for this information.

[19] Lonergan *Report*, pp. 18–19.

[20] Both advertising and sales were on a percentage basis. Over $180,000 was spent in commissions on sales alone.

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During the 1936 campaign, the subscription dinner was found a relatively painless way of raising funds and a very lucrative one. Following the Jackson Day dinners, $315,000 was turned over to the national treasury. The cost of these dinners ranged from $100 a plate in the case of the most expensive one (in Washington) to $5.00 a plate in sections where incomes and standards of living are more modest. The New York dinner may be used as an illustration of how effective a money-making device this may be. The total received from participants was $41,000 and the total cost less than $7,500, leaving $33,500 for the campaign fund. Exactly how many persons contributed in this way is uncertain, but it is estimated that some 350,000 participated.[21]

The largest loans made to the Democratic National Committee during 1936 were by the Chase National Bank and the Manufacturers Trust ($100,000 each), the United Mine Workers of America ($50,000), and Walter A. Jones, Pittsburgh oil man ($50,000). The United Mine Workers and Mr. Jones also made large outright contributions to the campaign.

Republican methods of raising funds were more conventional but very effective. Early in the campaign, the National Committee launched a scheme to popularize the giving of small amounts by the rank and file. In return for a $1.00 contribution, a certificate was issued, bearing the pictures of Washington and Lincoln and stating that the person was "a contributor to and a participant in the work of bringing about a return to the fundamental principles of our government." The large number of contributors to the fund indicates that the plan must have been fairly effective. Except for a loan of $45,000 from E. T. Weir, Pittsburgh steel manufacturer, the remainder of the Republican fund was made up of regular cash contributions.

The funds which rolled into the Republican campaign chest established a new record for that party, exceeding by more than a million dollars the $6,610,000 raised in 1928. In the case of the Democrats, the total collected in regular contributions and by the Nominators division was less than the $3,900,000 collected in 1928, but exceeded the contributions in any other campaign.

We have already seen that both parties made strenuous efforts to increase the number of small contributors, and there seems little doubt that more people helped finance this campaign than have ever before given to the national committees. It is difficult, however, to state exact figures. The Democrats place the total number of regular contributions at 55,000. Allowance for "repeaters," who gave at several different dates during the campaign, gives the figure 54,818. This, however, is but a small part of the story, since it does not include those contributing through the

[21] This information was obtained from Mr. Hodgkins, immediately in charge of arranging these dinners, through Mrs. Salisbury.

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Nominators division and Jackson Day dinners, as well as the numerous individuals whose dues helped make up the sums given by organized labor. If 350,000 actually participated in the Jackson Day dinners, as the Committee claims, the total would certainly exceed 600,000; in any case, it must have been in excess of 300,000.[22] This is far more than the 90,500 who contributed to the Smith fund in 1928, and even exceeds the 170,000 contributors claimed by the Democratic National Committee in 1916.

Early in the Republican campaign, Henry P. Fletcher, then chairman of the National Committee, announced that his party aimed to raise "$1,000,000 from 1,000,000 Americans." Much more than the $1,000,000 was raised, but the ambitious goal of 1,000,000 contributors was not reached. At the close of the campaign, the Committee claimed 331,037 contributions.[23] A count of the names filed in the reports of the Committee revealed only 85,000 contributors, but this did not include those who gave through the Nassau County United Republican Finance Committee and other organizations which filed separate reports.[24] The exact figure for the number of Republican contributors remains as uncertain as the exact figure for the number of Democratic contributors. However, it certainly rivaled, if it did not exceed, the previous record of 143,749 in 1928.[25]

The number of contributors to the campaign may be left veiled in uncertainty, for it is relatively unimportant. Much more significant are the contributions of different sizes, summarized in Table IV. It is evident that the Democrats drew much more heavily from the contributors of less than $100 than did the Republicans, even if the gifts from labor organizations and the collections of the Nominators division are left out of consideration. If these are included, the total contributed in amounts less than $100 rises from 18.5 per cent to the impressive figure of 34.0 per cent, and

[22] If 5,000 communities participated in the Nominator collections and the average number of individuals contributing in each community was 20 (which would seem a very conservative estimate), the total would be 100,000. Allowing another 100,000 for Jackson Day dinners, 50,000 for organized labor, and adding the 54,000 regular contributors, gives 304,000.

[23] Letter from C. A. Goodspeed, treasurer, dated March 22, 1937.

[24] The writer's count checks closely with that of the Lonergan Committee, which included the period June 1 to December 31 only. The figures used here are for the calendar year 1936. It is possible that the difference between these figures and those of the Republican Committee is in part explained by the fact that where the same individual bought a number of participation certificates the writer treated it as a single contribution, whereas the Committee may have counted each of these separately.

[25] This is the figure obtained by counting the number of contributors listed in the 1928 reports. It checks very closely with the 143,452 which Mr. Goodspeed uses in a table published in the Republican leaflet "On the March," October 17, 1936. He gives the figure 22,287 for 1932, however, while the writer's count was 39,950.

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TABLE IV

DISTRIBUTION BY SIZE OF CONTRIBUTIONS TO NATIONAL COMMITTEES, JANUARY 1 TO DECEMBER 31, 1936[26]

Group	Democrats			Republicans		
	Number of contributors	*Amount contributed by group*	*Per cent contributed*	*Number of contributors*	*Amount contributed by group*	*Per cent contributed*
$50,000 and over	1	$ 52,500	2.1	2	$ 105,000	1.4
25,000 to 49,999	2	50,000	2.0	5	135,000	1.7
5,000 to 24,999	76	551,882	21.9	275	1,623,605	21.1
1,000 to 4,999	306	490,672	19.4	1,278	2,060,352	26.8
100 to 999	2,295	454,443	18.0	8,066	1,839,498	23.9
Less than $100	51,893	468,927	18.5	75,000	1,039,213	13.5
Impossible to allocate:						
Labor	56	129,979	5.1			
Other	189	327,119	13.0	144	896,101	11.6
Total	54,818	$2,525,522	100.0	84,770	$7,698,769	100.0

exceeds that in any other campaign for which we have records.[27] On the other hand, the Republicans drew 50.7 per cent of their fund from those who contributed $100 to $5,000, while those in these middle brackets gave only 37.4 per cent of the Democratic fund. Interestingly enough, contributions of $5,000 or more were about equally important in the two campaign funds (Democratic, 26.0 per cent; Republican, 24.2 per cent). In the case of the Democrats, this figure would be much lower if contributions to the Nominators had been included.

It has already been pointed out that in 1936 the Democrats relied to a greater extent upon small contributions than ever before. It is true also that, although the very large contributor played a very important rôle

[26] This table includes all cash contributions received during the calendar year. It should be noted that in the case of the Democrats it does *not* include contributions collected by the Roosevelt Nominators division. In preparing this table, a card index was made of all contributions of $100 or more and the numerous cases where one individual gave several contributions at different dates traced. The numbers given, therefore, represent contributors and not contributions. Collections made by clubs or committees and turned over to the national committees in lump sums are listed as "Impossible to allocate." Many such collections were made by the Nassau County United Republican Finance Committee and similar organizations in the case of the Republicans. These collections were separately accounted for and appear in the reports of the National Committee in lump sums only.

[27] The percentages are as follows: 1912, 28.7; 1916, 27.9; 1920, 22.1; 1924, 18.0; 1928, 12.5; and 1932, 16.0.

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in financing that campaign, it was a less important one than in any previous campaign for which the records are complete.[28]

Although the Republicans drew a smaller proportion of their campaign fund in 1936 from contributors of less than $100 than did the Democrats, this group played a more important rôle in the financing of the party than in most recent campaigns,[29] and dependence upon contributors of $5,000 or more dropped appreciably.[30] Contributors of $100 to $5,000 gave more heavily than in 1916, 1928, and 1932, but less heavily than in 1920 and 1924.[31]

A study of the economic background of the larger contributors is particularly interesting for reasons already suggested. If the basis of support of the two parties is shifting, the fact should appear in these figures. Certainly there is food for thought in the data presented in Table V. The revolt of the bankers and brokers from the Democratic party is startling. Only 3.3 per cent of the contributions of $1,000 or more came from this group, compared to 14.7 per cent in the case of the Republicans. This is the more significant when we take into consideration that in both 1928 and 1932 the Democrats drew as heavily as the Republicans from this source.[32] Bankers contributed more money to the Republican fund in 1936 than in 1932, although relatively their rôle was less important.[33] Included in the list are representatives of such important New York banking and investment houses as J. P. Morgan and Co., the Corn Exchange Bank, Irving Trust Co., Bankers Trust, Guaranty Trust, Fifth Avenue Bank, National City Bank, Chase National Bank, First National Bank, Kuhn, Loeb and Co., Hallgarten and Co., Hornblower and Weeks, and Dillon, Read and Co. Eight members of J. P. Morgan and Co. contributed a total of $31,000; three representatives of the Irving Trust, $23,000; three members of Kuhn, Loeb and Co., $20,000; and the contributions of nine members of Hornblower and Weeks totaled $14,000. Wall Street usually gives heavily to the Republican party, but in 1936 it gave even more generously than usual and with fewer dissenting voices than in the past. In this campaign, too, it received liberal support from representatives of banking houses scattered throughout the country, including the Harris Trust and Savings, Chicago; the Union Trust Co., Cleveland;

[28] The percentages for contributions of $5,000 or more are as follows: 1912, 33.3; 1916, 34.4; 1920, 26.2; 1924, 45.2; 1928, 52.7; 1932, 43.7.

[29] The percentages are as follows: 1916, 15.1; 1920, 15.3; 1924, 11.1; 1928, 8.2; 1932, 9.1.

[30] The percentages are: 1912, 44.8; 1916, 41.4; 1920, 0.1; 1928, 45.8; 1932, 40.1.

[31] The percentages are: 1916, 39.9; 1920, 80.2; 1924, 58.7; 1928, 44.5; 1932, 48.2; 1936, 50.7.

[32] The percentages are as follows: 1928, Democrats, 25.3 and Republicans 28.2; 1932, Democrats, 24.2 and Republicans 20.5.

[33] In 1932, the contributions of $1,000 or more to the Republican National Committee totaled $335,605.

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Crocker National Bank, San Francisco; Boatmen's National Bank, St. Louis; First National Bank, Oklahoma; Toledo Trust Co., Toledo; First National Bank, Wichita, Kansas; Mellon National Bank, Pittsburgh; and Drexel and Company, Philadelphia. The heads of some of these

TABLE V

DISTRIBUTION BY ECONOMIC INTEREST OF CONTRIBUTORS OF $1,000 OR MORE TO NATIONAL COMMITTEES, 1936[34]

Classification	*Democrats*		*Republicans*	
	Amount	*Per cent*	*Amount*	*Per cent*
Bankers and brokers	$ 42,000	3.3	$ 578,910	14.7
Manufacturers	173,600	13.6	1,162,934	29.6
Iron and steel	*15,500*	*1.2*	*346,141*	*8.8*
Chemicals and explosives	*1,000*	*.1*	*160,613*	*4.1*
Tobacco	*33,000*	*2.6*	*2,000*	[a]
Other	*124,100*	*9.7*	*654,180*	*16.7*
Brewers and distillers	73,050	5.7	6,650	.2
Oil (including refining and oil land development)	88,250	6.9	86,650	2.2
Mining (coal, copper, zinc)	—	—	119,942	3.1
Railroads, steamship lines, and airways	9,500	.7	94,933	2.4
Gas and electricity	23,500	1.8	43,600	1.1
Merchants: wholesale and retail	29,000	2.3	72,350	1.9
Lumber, cement, building materials, and contracting	15,000	1.2	44,600	1.1
Real estate	20,000	1.6	59,200	1.5
Newspapers, broadcasting, and advertising	33,250	2.6	128,925	3.3
Motion picture producers, theatre owners	30,250	2.4	1,000	[a]
Professional people	161,507	12.7	170,724	4.4
Officeholders	160,902	12.6	—	—
Organized labor	129,979	10.2	—	—
Other classifications	31,000	2.4	200,700	5.1
Unidentified	254,245	20.0	1,152,840	29.4
Total	$1,275,033	100.0	$3,923,958	100.0

[a] Less than one-tenth of one per cent.

[34] In identifying the interests of contributors, *Who's Who in America*, Poor's *Register of Directors of Corporations*, and the directories and telephone books of various cities were used. Unfortunately, both the Chicago and New York directories were sadly out-of-date. Under "Organized labor" are included all contributions from this source. Speaking strictly, these are not "Contributions of $1,000 or more," since each contribution represented the gifts of many individuals.

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houses have been consistent supporters of the Republican party, but many of the names are new.

The rôle of the manufacturers in the campaign is equally interesting. Although their support is less one-sided, the $1,162,934 contributed by them to the Republican party shows clearly that Landon was their choice. Manufacturers contributed 29.6 per cent of all contributions of $1,000 or more, a larger percentage than in 1932.[35] The Democrats received much less from this source than the Republicans, but slightly more than they received in 1932.[36]

An examination of the types of manufacturing represented brings out further interesting differences. Iron and steel are represented heavily among the Republican contributors, members of Jones and Laughlin, Republic Steel, Great Lakes, Edgewater, Bethlehem, Allegheny, United States, Carnegie-Illinois, Weirton, the American Rolling Mill Company, and Laclede contributing.[37] No one of these companies made a conspicuously large gift; it is the aggregate that is important. Important, too, is the geographical distribution. Cleveland, Chicago, and Detroit are as heavily represented as Pittsburgh. The American Locomotive Co., American Car and Foundry Co., and the International Harvester Co. are the only important concerns primarily interested in iron and steel manufacturing found among the Democratic contributors.

Manufacturers of chemicals and explosives are also heavily represented among the Republican contributors, but gave little to the Democrats. Members of the du Pont family and others associated with this firm are most conspicuous, giving some $100,000 to the National Committee.[38] Both the American Cyanamid Company and the Monsanto Chemical Company are represented also.

In the case of tobacco, the tables are exactly reversed. Cigarette manufacturers made substantial contributions to the Democratic National Committee, but their gifts to the Republicans were inconsequential. Most of the Democratic contributions came from representatives of the R. J. Reynolds Tobacco Co., of Winston-Salem, North Carolina, which raises the question whether they were not motivated as much by the location of the firm as by the character of the business.

Other manufacturers represented in the Republican group include many concerns making electrical equipment, automobiles, food products,

[35] Contributions from manufacturers made up 26.3 per cent of all contributions of $1,000 or more in that year.

[36] In 1932, they received $130,950 from this group, representing 10.5 per cent of all contributions of $1,000 or more.

[37] Members of Weirton Steel contributed only $6,500 during the campaign. It should be remembered, however, that the Weirs had contributed $10,000 in 1935 and that in December, 1936, E. T. Weir lent the National Committee $45,000.

[38] The total du Pont contributions to the campaign were much larger than this. See Table VII below.

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soap, glass, and paper products. Such familiar articles as Westinghouse irons, Packard and Chevrolet cars, Goodrich and Firestone tires, Armour and Wilson hams, Fleischmann's yeast, Quaker oats, Morton's salt, Ivory and Palmolive soap, Heinz pickles, Pepsodent tooth poste, Wrigley's chewing gum, Carnation and Borden's milk, Del Monte peaches, Schilling and Calumet baking powder, Libbey glass, Victrolas, Atwater-Kent radios, Sherwin-Williams paint, Burroughs adding machines, Elgin watches, Electrolux refrigerators, Maytag washing machines, Congoleum, Durkee mayonnaise, Sheaffer pens, Kleenex—one can go down the list of articles used in any American home and find most of them represented. Lastly, the Aluminum Company of America, a Mellon concern, should not be overlooked in the list of manufacturers contributing to the Republican party. The Democratic list is much less imposing and suggests that it represents "little" rather than "big" business. Of the products enumerated above only two—Ivory soap and Libbey glass—are represented. The only other well-known concerns included are Thomas A. Edison and Co., Cannon Mills, Zenith Radio Co., Coca-Cola Co., and the Stimson Aircraft Corporation. The remainder includes a miscellaneous list of makers of hosiery and other wearing apparel (many of them Southern), hookless fasteners, fur, confectionery, shade cloth, and "remembrance advertising" (calendars, playing cards, and other novelties).

The figures leave no doubt as to which party had the support of the brewers and distillers. Liquor paid its debt of gratitude to the Democratic party by giving 5.7 per cent of the large contributions to the 1936 campaign fund. This group is also heavily represented in the small contributors, and numbered among the labor organizations were a conspicuous number of brewing unions.

Oil producers and refiners contributed more heavily to the Democratic than to the Republican party. The largest of the contributions was from Walter A. Jones of Pittsburgh, interested in oil land development. In addition to an outright contribution of $52,500, Mr. Jones made the National Committee a loan of $50,000 and contributed $50,000 to the state committee. Most of the other contributions in this group came from Texas oil men, with a sprinkling from Oklahoma, Utah, and California.[39] The Sun Oil Company of Pennsylvania was the heaviest Republican contributor, various members of the Pew family giving $30,000. Over $10,000 was contributed by representatives of the Gulf Oil Company of Pittsburgh, a Mellon concern, and John D. Rockefeller, president of Standard Oil until his retirement, gave $5,000.[40]

[39] The largest of the Texas contributions was from Freeman W. Burford, president of the East Texas Refining Co., $12,500; the total from Texas oil men was $24,750.

[40] It was difficult to classify the members of the Rockefeller family. Although most of their money was made in Standard Oil, neither John D. nor John D., Jr.,

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Mining interests played no part in the financing of the Democratic party, but coal and copper companies contributed slightly more than three per cent of the Republican fund. Public utilities were relatively unimportant in the financing of either party. Curiously enough, gas and electric power and light companies contributed more heavily to the Democratic than to the Republican party. It is difficult to explain why the hostility of hydro-electric power to the T.V.A. did not result in substantial contributions to the Republicans from this group, and why the contributions from public utilities as a whole should have been relatively less important than in 1932. It is possible, of course, that the hydro-electric power concerns deemed it more politic to let the investors do the contributing.

Merchants, wholesale and retail, divided their financial support fairly equally between the two parties, but there is a difference: chain stores and mail order houses gave the bulk of this part of the Republican fund, while none of these supported the Democrats. Numbered among the Republican contributors were representatives of the W. T. Grant chain, J. C. Penney Co., both S. S. Kresge and S. H. Kress of "five and ten" fame, the Walgreen drug stores, and Safeway Stores, as well as Montgomery Ward and Sears Roebuck. The largest gifts to the Democrats came from Edward A. Filene, B. F. Gimbel, and various members of the Straus family actively associated with R. H. Macy and Co. of New York.

Something of the opposition of the press to President Roosevelt appears in the larger percentage of Republican campaign funds which came from newspapers and other publicity agents. The largest and most interesting of these was from William Randolph Hearst, who gave $50,000. Mrs. Robert R. McCormick, wife of the publisher of the *Chicago Tribune*, contributed $10,000 to the Republican National Committee, and Mr. and Mrs. Ogden Reid, of the New York *Herald-Tribune*, gave $2,000. All three of these papers were bitter in their attacks upon the Democratic administration during the campaign.

Landon may have been the choice of the press, but Roosevelt was clearly the choice of motion picture producers and theatre owners, if campaign contributions are an index. The two Schencks, Joseph and Nicholas, were the most generous contributors in this group.

The professional group, composed for the most part of lawyers, with a sprinkling of physicians, accountants, and authors, is usually more strongly Democratic than Republican, and this was true in 1936; 12.7

is now associated with the management of that concern nor, indeed, is a director of any corporation except philanthropic foundations. John D. was classified with the oil group since he was identified with oil during his active business career; John D., Jr., however, was included under "Other classifications."

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per cent of the Democratic contributions came from this source, compared to 4.4 per cent in the case of the Republicans.[41]

There remain for consideration two groups which played no part in the financing of the Republican campaign, but which were very important to the Democrats—office-holders and organized labor. In 1936, Democratic office-holders gave almost as much as the manufacturers. This includes cash contributions only; many others contributed indirectly through attending subscription dinners and buying copies of the *Book*, or gave to the Nominators division. Some aided the party in several of these ways. Take the case of Attorney-General Homer S. Cummings, for example. He contributed $1,150 to the campaign fund, attended a Jackson dinner, and gave $100 to the Nominators division. It is safe to say that a very large proportion of those attending the Washington subscription dinners were office-holders and that they were gilt-edged "prospects" to book salesmen. To what extent these represent contributions freely made, and to what extent there is an element of compulsion about them,

TABLE VI

CONTRIBUTIONS OF ORGANIZED LABOR TO THE DEMOCRATIC NATIONAL COMMITTEE AND OTHER GROUPS IN THE 1936 CAMPAIGN[42]

Name of Organization	*Contributions*	
Democratic National Committee		
Cash contributions	$129,979	
Advertising in the *Book*	7,500	
Sales of the *Book*	4,910	
Roosevelt Nominators division	62,211	
Reimbursement for expenses of sound truck	361[a]	
Loans	50,000	$254,961
Labor's Non-Partisan League		
National organizations	195,393	
State divisions	32,000	227,393
Progressive National Committee		40,300
American Labor party		180,558
Miscellaneous contributions		67,006[a]
Total		$770,218

[a] Figures taken from the Lonergan *Report*, pp. 127–128.

[41] In classifying contributors, every effort was made to exclude from this group those members of the legal profession who were actively identified with corporations and to confine it to those who were engaged in general legal practice.

[42] Figures, except where otherwise indicated, are taken from the records and cover the calendar year 1936. They differ but slightly from those in the Lonergan *Report*, pp. 127–128.

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is difficult to say. Some refuse "invitations" to Jackson Day dinners with impunity; some grumble but attend; some go with enthusiasm. In one instance, a department head barred *Book* salesmen from a government office because he feared employees might feel compelled to buy.

These relatively painless ways of raising funds from office-holders and others have been extremely effective in the past. However, the burden of Jackson Day dinners, Victory dinners, and convention books falls upon the same people and there is, presumably, a limit to what the traffic will bear, even in the case of office-holders. One wonders if that limit has not been reached and if new methods will not have to be devised to take their place.

One of the most important developments of the 1936 campaign was the emergence of labor as a factor in the financing of the Democratic party and other organizations which supported Roosevelt. Contributions from various labor groups to the Democratic National Committee (see Table VI) totaled over $200,000, half of which was given by the United Mine Workers of America, a John L. Lewis organization. In addition, this group made the Committee a loan of $50,000. Various other groups supporting Roosevelt received more than $500,000, making the impressive total of $770,218 from this source. Labor's Non-Partisan League and the American Labor party received the largest amounts. The latter organization achieved the feat of raising $41,750 from 83,500 dues-paying members, something very unusual in campaign finance in this country. Most of the funds of Labor's Non-Partisan League were advanced by the United Mine Workers. In fact, the total which this organization invested in the campaign was $469,870, more than half of all that labor gave to Roosevelt's support.[43] The financial aid received by the Democratic party from organized labor is significant in itself; even more significant is the fact that so much of this came from an organization which has taken the leadership in the C.I.O. movement for industrial unionism.

The list of large individual contributors (Table VII) throws some interesting side-lights upon the financing of the campaign. Four of the persons who contributed $10,000 to the Democratic Committee are members of the diplomatic corps; a fifth is the wife of a former member.[44] One wonders what the party would have done without the aid of the diplomats.

One scans the Democratic list in vain for the names of many of those who were generous contributors in 1932. Less than one-third of those who contributed $1,000 or more four years before aided the party in 1936.

[43] A complete list of the labor organizations and their contributions appears in the Lonergan *Report*, pp. 128–133.

[44] Robert W. Bingham, Joseph E. Davies, Bert Fish, Mrs. H. H. Sevier, and Lawrence Steinhardt. Many others contributed less than $10,000.

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TABLE VII

LARGE INDIVIDUAL AND FAMILY CONTRIBUTIONS TO THE 1936 CAMPAIGN[45]

Name and address of individual	*Contributions*			
	National Committee		*Other organizations*	*Total*
	1933–35	*1936*		
DEMOCRATS				
Biddle, Margaret D, Overbrook, Pa.	$	$25,000		$25,000
Bingham, Robt., W., diplomat		15,000		15,000
Bok, Curtis, Philadelphia, Pa.		25,000		25,000
Buck, Raymond E., Texas		13,145		13,145
Burford, F. W., Texas		12,500		12,500
Clayton, Mrs. W. L., Lookout Mt., Tenn.	7,000	10,000		17,000
Cromwell, Doris Duke, Somerville, N. J.			50,000	50,000
Davies, Jos. E., diplomat	8,500	10,000	1,500	20,000
Dougherty, H. L., New York, N. Y.		55,000		55,000
Fish, Bert, diplomat	2,000	13,000		15,000
Gerard, James W., New York, N. Y.	7,500	17,500	10,500	35,500
Jones, Walter A., Pittsburgh, Pa.		52,500	50,000	102,500
Lewis, Frank J., Chicago, Ill.		10,000		10,000
Maestri, R. S., mayor of New Orleans		16,000		16,000
Manning, Lucius B., Chicago, Ill.		25,000		25,000
Morrison, Mr. and Mrs. Cameron, N. C.		10,000	2,000	12,000
Morrison, Ralph W., Texas		20,000[a]		20,000
Mullen, A. F., Omaha, Nebr.	3,200	10,000		13,200
Odlum, Floyd B., New York, N. Y.		10,000		10,000
Patterson, Jos M., New York, N. Y.	5,000	20,000	3,100	28,100
Rosensteil, Lewis, New York, N. Y.	5,000	17,500		22,500
Schenck, Jos. M., New York, N. Y.		10,000		10,000
Schenck, Nicholas M., New York, N. Y.		10,000		10,000

[45] This table includes all contributions of $10,000 or more to either national committee in 1936 and all contributors whose total contributions to the campaign amounted to $50,000 or more. A few others have been included because of their close relationship to large contributors. Democratic gifts to the Nominators division and the *Book*, as well as regular cash contributions, are included. In preparing this list, the index of contributors used in Table IV was checked against the figures given in the Lonergan *Report*. In the case of the Republicans, there were a number of differences, some because the Lonergan figures for contributions to the national party include gifts made through the Nassau County United Republican Finance Committee, the Finance Committee of Pennsylvania, and other similar groups the funds of which were not allocated in Table IV. Other differences were due, no doubt, to the condition of the Republican reports. Cases of disagreement were checked and the figure appearing here under contributions to the National Committee is the one which the investigator believed most likely to be correct. Figures in this column taken from the Lonergan *Report* are followed by the letter L. The entire list of contributions from other organizations is from the Lonergan *Report*, pp. 42–126.

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TABLE VII—*Continued*

Name and address of individual	*Contributions*			
	National Committee		*Other organizations*	*Total*
	1933–35	*1936*		
DEMOCRATS (*Continued*)				
Schwartzhaupt, Emil, New York, N. Y..	3,500	10,000	1,000	14,500
Sevier, Clara D. (Mrs. H. H.), Texas...		10,000		10,000
Steinhardt, Lawrence, diplomat.....	1,000	10,000		11,000
Straus, Percy S., New York, N. Y.....	2,500	15,000		17,500
Turtletaub, John J., New York, N. Y....		10,000		10,000
Whitney, Cornelius V., New York, N. Y..		10,000		10,000
REPUBLICANS				
Baker, Geo. F., New York, N. Y.....	$ 4,117	$ 5,000	$ 50,250	$ 59,367
Bingham, Wm. III, Bethel, Me.....		10,000		10,000
Burnett, Mrs. Cora T., Alpine, N. J.....		10,000		10,000
Carpenter, R. R. M., Montchain, Dela..	2,500	11,000L	10,000	23,500
Chapman, J. A., Tulsa, Okla.....		10,000		10,000
Copley, J. C., Aurora, Ill.....		5,000	98,011	103,011
Cromwell, W. Nelson, New York, N. Y...		10,500	15,000	25,500
Dillman, Mrs. Anna D., Detroit, Mich...		14,000		14,000
Draper, Col. W. P., Boston, Mass.....	10,000	10,000		20,000
Dunn, Harris A., New York, N. Y.....		20,000		20,000
du Pont, A. Felix, Wilmington, Dela....		9,500L	25,000	34,500
du Pont, Archibald L., Wilmington, Dela.		1,000		1,000
du Pont, Mrs. Coleman, Wilmington, Dela.....		4,250L	1,000	5,250
du Pont, Eugene, Wilmington, Dela.....		2,000L	1,600	3,600
du Pont, Henry B., Wilmington, Dela...	1,000	5,000	20,000	26,000
du Pont, Irénee, Wilmington, Dela.....	8,000	7,700L	105,830	121,530
du Pont, Lammot, Wilmington, Dela....	5,000	10,000	175,500	190,500
du Pont, Pierre S., Wilmington, Dela....		5,000	106,990	111,990
du Pont, Pierre S. III, Wilmington, Dela.		3,000		3,000
du Pont, S. Halleck, Wilmington, Dela..		5,000	500	5,500
du Pont, Wm., Jr., Wilmington, Dela....		5,000	16,000	21,000
Copeland, Lammot du Pont, Wilmington, Dela.....		5,000	2,000	7,000
Elkins, Wm. M., Whitemarsh, Pa.....		10,000L	10	10,010
Firestone, H. S., Canton, Ohio.....		15,000		15,000
Fleischmann, Max C., Santa Barbara, California.....		25,000	51,156	76,156
Forstmann, Julius, New York, N. Y.....		10,000	1,000	11,000
Getz, Geo. F., Chicago, Ill.....		10,500	4,500	15,000
Getz, Geo. F., Jr., Chicago, Ill.....	10,333	10,000	3,000	23,333
Glass, Alex, Cleveland, Ohio.....		16,000		16,000

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TABLE VII—*Continued*

Name and address of individual	*Contributions*			
	National Committee		*Other organizations*	*Total*
	1933–35	*1936*		
REPUBLICANS (*Continued*)				
Goelet, Robt. W., New York, N. Y.	1,000	10,000		11,000
Goodspeed, C. B., Chicago, Ill.	15,000	35,000	13,925	63,925
Guggenheim, Col. M. Robt., Washington, D. C.		25,000		25,000
Harkness, Edw. S., New York, N. Y.		10,000	5,000	15,000
Harris, Albert W., Chicago, Ill.	2,500	10,000		12,500
Haskell, Harry G., Wilmington, Dela.		12,000L	18,750	30,750
Hearst, Wm. R., San Simeon, Calif.		50,000		50,000
Jelke, F. Frazier, New York, N. Y.		25,000		25,000
Johnson, Eldridge R., Camden, N. Y.		10,000	500	10,500
Julliard, Frederick A., New York, N. Y.		11,000		11,000
Kent, A. Atwater, Philadelphia, Pa.		10,000L		10,000
Lincoln, James F., Cleveland, Ohio		13,000		13,000
McFadden, B., Englewood, N. J.		5,000		5,000
McCormick, Mrs. Robt. R., Chicago		10,000		10,000
Mellon, Andrew W., Pittsburgh, Pa.	30,000	10,000L	30,000	70,000
Mellon, Paul, Pittsburgh, Pa.		5,000		5,000
Mellon, Mrs. Paul, Pittsburgh, Pa.		5,000		5,000
Mellon, Mrs. Wm. L.		3,500		3,500
Mellon, Richard K., Pittsburgh, Pa.	5,000	5,000	15,000	25,000
Mellon, Mrs. Jennie K., Pittsburgh, Pa.	5,000	5,000		10,000
Scaife, A. M., Pittsburgh, Pa.		2,000	275	2,275
Scaife, Mrs. A. M. (daughter of Andrew W. Mellon), Pittsburgh, Pa.	5,000	5,000		10,000
Mills, Ogden, New York, N. Y.		10,000L	15,000	25,000
Morgan, J. P., New York, N. Y.		10,000L	45,000	55,000
Pew, Arthur E., Jr., Bryn Mawr, Pa.		5,000	10,775	15,775
Pew, Miss Ethel, Bryn Mawr, Pa.	27,500	5,000	76,625	109,125
Pew, J. Howard, Ardmore, Pa.	25,500	5,000	95,138	125,638
Pew, J. H., Jr., Ardmore, Pa.	25,000	5,000	95,314	125,314
Pew, Mary C., Bryn Mawr, Pa.	13,000			13,000
Myrin, Mrs. Mabel Pew, Bryn Mawr, Pa.	27,500	5,000	77,625	110,125
Pew, Walter C., Gladwyne, Pa.		5,000	10,125	15,125
Phipps, L. C., Denver, Colo.	2,500	11,000L	4,000	17,500
Pitcairn, H. F., Pittsburgh, Pa.		11,250L	4,675	15,925
Pitcairn, Theo., Pittsburgh, Pa.		13,250L	1,000	14,250
Pruitt, R. S., Chicago, Ill.		20,000	4,450	24,450
Reed, Col. L. R., Southampton, L. I.		10,000L		10,000
Robinson, Miss Louise, New York, N. Y.		10,350	200	10,550
Rockefeller, John D., New York, N. Y.	5,000	5,000		10,000

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TABLE VII—*Continued*

Name and address of individual	*Contributions*			
	National Committee		*Other organizations*	*Total*
	1933–35	*1936*		
REPUBLICANS (*Continued*)				
Rockefeller, John D., Jr., New York, N. Y.	20,000	55,000	15,000	90,000
Rockefeller, Mrs. John D., Jr., New York, N. Y.		5,000		5,000
Rockefeller, John D., III, New York, N. Y.		5,000	15,000	20,000
Rockefeller, Lawrence S., New York, N. Y.		5,000		5,000
Roebling, John A., Bernardsville, N. J.		25,000		25,000
Simonds, Mrs. Ellen G., Fitchburg, Mass.		10,000	5,000	15,000
Sloan, Alfred P., Jr., New York, N. Y.		5,000	46,600	51,600
Sloan, Mrs. Alfred P., Jr., New York, N. Y.		5,000	27,500	32,500
Timken, H. H., Canton, Ohio	1,000	16,178		17,178
Twombly, Mrs. H. McK., New York, N. Y.		11,000		11,000
Warburg, Felix M., New York, N. Y.		10,000		10,000
Weir, E. T., Pittsburgh, Pa.	5,000	300	47,500	52,800
Whitney, J. H., New York, N. Y.	5,000	5,000	47,625	57,625
Worcester, C. H., Chicago, Ill.		10,000		10,000
Young, Leonard A., Detroit, Mich.		15,000		15,000

[a] This contribution was made in the form of a cancellation of a 1932 loan.

Still more significant is the appearance of the names of a number of them on the Republican list; Pierre S. du Pont, Edward S. Harkness, William Randolph Hearst, William K. Vanderbilt, and Gertrude Vanderbilt Whitney are the best known of these. Each of them contributed $5,000 or more to the Republican National Committee in 1936. In a number of other cases, persons contributing to the Democratic deficit in 1933–35 had changed their financial allegiance to the Republican party by 1936. Among these were S. M. Archer, president of the Food Products Co., Minnesota; Irénée du Pont, already identified; Walter E. Frew, Corn Exchange Bank, New York; and B. E. Hutchinson, vice-president and chairman of the finance committee of Chrysler Co., Detroit. Frew and Hutchinson contributed to the Democratic party as late as 1935. These losses are not balanced by recruits from the Republican ranks; Lucius B. Manning, Chicago manufacturer of airplanes and autos, and Boris Said, New York, whose occupation remains a mystery, being the only two

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persons who contributed to the Republicans in 1932 and to the Democrats in 1936.

The size of some of the individual and family contributions to the Republican party and ancillary organizations is staggering (see Table VII). Beside the gifts of the du Ponts and the Pews, the corporate contributions of 1904 pale into insignificance. They rival, if they do not exceed, the large contributions to the Smith campaign in 1928. These two families contributed more than $1,000,000 to a single Republican campaign—certainly not a healthy situation.

Table VII also reveals how popular was the practice of splitting contributions among a large number of organizations, particularly with the Republicans, and emphasizes the need for summaries of the financing of all national campaigns.[46] We need some machinery which will bring together from scattered reports the sort of significant information compiled for this campaign by the Lonergan Committee. Without it, the picture of the financing of any presidential campaign will be incomplete.

Most campaigns reveal a few persons who contribute to both parties, and 1936 is no exception to the rule. August A. Busch, St. Louis brewer;

TABLE VIII

GEOGRAPHICAL DISTRIBUTION OF CONTRIBUTIONS OF $100 OR MORE TO THE DEMOCRATIC NATIONAL COMMITTEE, 1936[47]

Section	*Amount contributed*	*Per cent contributed*
Northeast (Conn., Del., Me., Mass., N. J., N. Y., N. H., Pa., R. I., Vt.)	$ 847,400	28.8
Center (Ill., Ind., Ia., Mich., Minn., Ohio, Wis.)	427,870	14.6
South (Ala., Ark., Fla., Ga., Ky., La., Md., Miss., Mo., N. C., Okla., S. C., Tenn., Tex., Va., W. Va.)	1,111,924	37.8
West (Ariz., Calif., Colo., Ida., Kans., Mont., Neb., Nev., N. M., N. D., Ore., S. D., Utah., Wash., Wyo.)	188,410	6.4
District of Columbia	146,027	4.9
Other	58,297	2.0
Impossible to allocate	162,024[a]	5.5
Total	$2,941,952	100.0

[a] Most of this was from labor organizations with headquarters in Washington, D. C.

[46] The Lonergan *Report* lists in detail the organizations to which these contributions were made, bringing out even more clearly the extent to which the practice of "splitting" contributions was resorted to.

[47] This includes not only regular cash contributions but all collections by the Nominators as well.

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R. R. Deupree, president of Procter and Gamble; Frank Phillips, Oklahoma oil man and banker; and Thomas E. Wilson, Chicago packer, contributed to both national committees. All of the contributions of Mr. Busch and Mr. Wilson were made before the election; Mr. Deupree and Mr. Phillips, interestingly enough, contributed to the Republicans during the campaign but to the Democrats after the votes were counted.

No study of the geographical distribution of Republican contributors has been made for this campaign. But the distribution of Democratic contributors of $100 or more, summarized in Table VIII, is interesting in itself. More than 37.0 per cent of all contributions of $100 came from the South. Texas alone contributed $210,600, more than all the Western states combined. Its total was exceeded only by New York ($595,741) and Illinois ($232,316). Arkansas contributed the surprising amount of $156,812, mostly in small sums. The $103,945 given by Tennessee no doubt reflects its enthusiasm for the T.V.A. These sums compare favorably with the $162,216 contributed by Pennsylvania. The occasion for the $146,027 which the District of Columbia contributed is obvious. Not all of this was given by office-holders, of course, but on the other hand a good many persons in governmental service live in Maryland and Virginia and their contributions are not credited to the District; while some diplomats give foreign addresses. California contributed more than any other state in the Western group ($52,564). Interestingly enough, Kansas comes next with $42,980. The numerous small contributions made in the Southern states bear testimony to the effectiveness of Mr. Farley's organization there. Certainly no Democratic Committee in recent years has mustered such impressive financial support in this quarter. The South in the past has given much more liberally of its votes than of its dollars.

Both parties ended the campaign as they began it—in debt—but the present financial outlook is much brighter for the Democrats than for their defeated rivals. On December 31, 1936, the financial status of the Democrats was as follows:

Unpaid obligations	
Borrowed money	$381,877
Unpaid bills	238,393
Total	$620,270
Cash on hand	175,020
Net deficit	$445,250

During the next two months, the unpaid bills were reduced substantially, but on March 1, 1937, the deficit still exceeded $440,000. The Victory dinners of March probably cleared this, but the official reports for this period will not be available until June, 1937. The largest out-

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standing obligations were debts of $60,000 each to the Chase National Bank and the Manufacturers Trust of New York, $50,000 to Walter A. Jones of Pittsburgh, and $50,000 to the United Mine Workers of America. The unpaid bills included a miscellaneous assortment for telephone and telegraph, printing, badges and buttons, as well as $35,000 for broadcasting.

The expensive Republican campaign left that party in the following embarrassing position:[48]

Unpaid obligations	
Borrowed money	$ 45,000
Unpaid bills	912,262
Total	$957,262
Cash on hand	41,948
Net deficit	$915,314

Up to March 1, 1937, there had been little change in this situation. The task of clearing the party of its indebtedness and of building an organization for 1940 calls for vigorous leadership and an active publicity campaign. So far, little has been done. While Democratic headquarters teems with activity, the Republican organization remains dormant. Unless something is done, and done quickly, not "all the King's horses and all the King's men," or all the money of the du Ponts and the Pews, will put Humpty Dumpty together again.

From this analysis of the 1936 campaign funds it seems clear that the program of the Roosevelt Administration has served to sharpen the division on economic lines. The drastic reduction in contributions made by banks to the Democratic party, the increased support which the Republicans received from manufacturers, labor's support of Roosevelt, and the very large contributions which certain wealthy families gave the Republican party all point in this direction. The Republicans became more definitely than in the past few campaigns the party of "big business." Their campaign was the most extravagant, and probably the most wasteful, in campaign history. Captains of finance and industry poured their dollars into the fund without stint. Mr. J. Howard Pew, himself a generous contributor, probably spoke for many of them when he said: "Considering the importance of this campaign, I have felt it a duty and a privilege to make these contributions, and I expect to make further contributions, if necessary, to the cause. The American form of government, the fundamentals of our democratic society, the economic system under which our country has become the greatest in the

[48] These figures are from the supplementary report filed February 1, 1937.

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world, are in jeopardy."[49] The "haves" rose generously to the defense of a system under which their fortunes had been made.

The Democrats, abandoned by the financiers, and with less support than usual from representatives of the larger manufacturing interests, drew heavily from the legal profession and from liquor and tobacco interests. They also had material support from two groups whose traditional allegiance seldom falters—office-holders and the South, irrespective of economic interest. Without the support of these two groups, they would have been in a sad plight indeed. Lastly, they wooed the "little fellow" diligently and to good purpose, and won substantial support from a new quarter—organized labor. The Democratic party emerged from the campaign less definitely the party of the "have nots" than the Republicans are the party of the "haves," but the "have nots" played an important rôle in financing its campaign. And what of 1940? Suppose office-holders prove less generous in a campaign in which the President who appointed them is not seeking reëlection, that the legal profession is less enthusiastic about a party which has proposed modifications in the Supreme Court, that the pace of the party proves too swift for the South, and that the hostility of bankers and manufacturers is intensified. If any two of these developments take place, the party may find itself seriously cramped for funds. Under these circumstances, will organized labor and the small contributor come to the rescue, bringing about a new "Labor" party under an old name and the realignment on "liberal" and "conservative" lines that many have hoped for?[50] The ultimate consequences of labor's financial aid to the Democratic party in 1936 may be far-reaching indeed.

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The Trade Agreement Act in Court and in Congress. "Practically every volume of the *United States Statutes* contains one or more acts or joint resolutions of Congress authorizing action by the President in respect of subjects affecting foreign relations, which either leave the exercise of the power to his unrestricted judgment, or provide a standard far more general than that which has always been considered requisite with regard to domestic affairs."[1] Thus did Mr. Justice Sutherland summarize the

[49] As reported in the New York *Times*, October 17, 1936.

[50] There is a possibility that Congress may prohibit contributions by labor organizations, as recommended by the Lonergan Committee (*Report*, p. 135), thus seriously handicapping the Democratic party. Such action seems unlikely, however, from a body including so many labor sympathizers. The issues raised by this proposal are too far-reaching to be discussed here.

[1] United States v. Curtiss-Wright Export Corporation, decided December 21, 1936, advance reports, p. 11.

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legal precedents for the President's actions in imposing an embargo on arms shipments to certain belligerent countries in South America, after Congress had delegated to him discretionary authority in such matters. This is more than a succinct historical summary. It is the first case in which the *dicta* of the Court has made clear that sharp line of distinction between the Chief Executive's discretionary powers in foreign affairs and those in internal matters.

For several months, a flood of protests against the President's discretionary powers under the Trade Agreement Act of 1934 have been accumulating in the Customs Court. Undoubtedly the decision of the Supreme Court in the "hot oil" cases, and in Schechter Bros. v. United States,[2] had much to do with stimulating this tide. Conversely, it would seem that the ominous words of Mr. Justice Sutherland in the recent Curtiss-Wright case, quoted above, would have been a deterrent. But such does not seem to have been the case. On the contrary, the protests keep piling up. One case which has come to trial in the Customs Court was dismissed on jurisdictional grounds, but a plea is being entered for a rehearing.

The public is now aware that the adjustment of tariff rates has become an important executive function. First, there was the so-called flexible tariff, adopted in the Fordney-McCumber Act of 1922. This act delegated to the President authority to alter tariff rates as much as fifty per cent whenever he deemed it necessary to equalize the difference in the cost of producing goods at home and abroad. The same act provided that whenever the change in *rate* would not effect an increase sufficient to meet the President's conception of cost-differences, he might adopt "American value" as the basis for duty assessments, instead of the customary foreign value. And to make the whole cost-equalization policy and plan complete, the Chief Executive was given authority to make new classifications whenever he deemed it necessary. That is, general paragraphs covering a number of items could be broken up into more specific classifications, wherein each item might be given a separate paragraph. This necessarily involved the writing of new language into the tariff act—something which the courts had never before recognized as an executive function. But all of this was given a clean bill of health by the courts. The Act's various features were vainly contested on the ground that there had been undue delegation of legislative authority.[3]

[2] 295 U. S. 79. L. Ed. 888; 55 Supreme Court 837 (1935). The so-called hot oil case, Panama Refining Co. v. Ryan, was decided January 7, 1935. This was the first case in which the Supreme Court held an act of Congress unconstitutional because it delegated too much discretion to the President.

[3] J. W. Hampton Jr. & Co. v. United States (276 U. S. 394) and subsequent cases before the Customs Court, and the Court of Customs and Patent Appeals, are more fully discussed by the author of this article in "The President's Control of the Tariff" (Harvard University Press, 1936), Chaps. 2–5.

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The Democratic minority in Congress denounced the flexible tariff plan as unconstitutional. It was charged that the delegation of authority to the Chief Executive to establish tariff rates on such an indeterminate basis as the equalization of foreign and domestic cost-differences—and with the added provision that he might consider "any other advantages or disadvantages" in competition—meant practically the abandonment of tariff-making by Congress. It was left to the President to make an impossible determination, or to use his own judgment as to what constituted differences in production costs, and other "advantages and disadvantages" in competition.

By 1930, the scheme had apparently become a permanent part of the Republican majority's program. Also, by that time the cost-equalization policy had been popularly recognized as a distinctly high-tariff policy. Consequently, when the Democrats regained control of Congress an attempt was made to repeal the presidential tariff plan. Mr. Hoover's veto was the only thing that saved it.

With the election of Mr. Roosevelt, Democratic fear of excessive delegation of legislative authority promptly subsided. It has since become a major concern of Republicans. In spite of Mr. Hull's great anxiety over the constitutional question of delegating authority to the President, the first year of the new régime offered little in the way of hope for a downward revision of the tariff by Congress. The Secretary of State found it expedient to proceed quietly, and with as little fanfare as possible. By June, 1934, it was possible to get the President's existing tariff powers augmented by an amendment to the Tariff Act of 1930 which provided machinery for tariff *reduction*. This amendment is commonly referred to as the Trade Agreement Act. Secretary Hull sponsored it as an emergency measure. It was given a three-year tenure to begin with. And Congress has lately passed a joint resolution extending these provisions until June 12, 1940.

Before outlining the specific provisions of the Trade Agreement Act, it will be well briefly to review its legal precedents in the field of reciprocity. These have been primarily the handiwork of Republican congressmen. Section 3 of the Tariff Act of 1890[4] gave the President authority to impose provisional duties upon certain goods on the free list whenever he was satisfied that their importation was from a country which discriminated against the commerce of the United States. The imposition of such provisional penalty duties by the President was approved by the Supreme Court in the famous case of Field v. Clark.[5] These provisions, which had caused much embarrassment in our South American relations, were omitted from the Tariff Act of 1894 by the Democratic Congress; but

[4] 26 *Stat.* 12.

[5] 143 U. S. 649. Chief Justice Fuller and Justice Lamar dissented.

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with the return of the Republicans to power in 1897, section 3 was restored, and further authority was given the President to negotiate commercial agreements with countries producing certain enumerated items.[6] The President was authorized to reduce duties, but was limited by the prescribed list of enumerated articles. These presidential tariff reductions were made effective when the concessions of the foreign power were *in his judgment* reciprocal and equivalent. Under this arrangement, reciprocal trade agreements, in which the Chief Executive reduced rates, were soon made. They remained in force until repealed by the Tariff Act of 1909.[7]

The present Trade Agreement Act was embodied in section 350, an amendment to the Tariff Act of 1930, which, as we have stated above, was adopted by Congress in June, 1934. It authorizes the President to negotiate trade agreements with foreign countries. The act allows him the discretion of reducing any existing tariff rates as much as 50 per cent when the other country has agreed to make such reductions as the President thinks are in keeping with a fair and reasonable reciprocity. His bargaining is limited to the dutiable list. He cannot transfer goods to the free list. Nor can he, under this act, transfer goods to the dutiable list, even though he may increase the duties 50 per cent as well as decrease them. The provisions for increasing duties are useful for penalizing countries which discriminate against the trade and commerce of the United States.[8]

This brings us to one other aspect of the agreements which has been the cause of much political controversy—the question as to whether the *conditional* or *unconditional* most-favored-nation principle shall apply in connection with the agreements. Under the former principle, which has been observed throughout most of United States history, this country has granted commercial favors to other countries only on a country-by-country conditional basis. That is, the favors extended to one country in

[6] 30 *Stat.* 103. There was also added section 4, which provided for a 20 per cent reduction of duties in the general list; but this could become effective only upon the conclusion and *ratification* of a treaty. Such treaties were made, but none was ever ratified.

[7] The items placed on this bargaining list were such that no great objection arose from the protectionists' quarter, and apparently no case involving the constitutional question reached the Supreme Court. The case of Field v. Clark was regarded as pertinent and binding.

[8] One of the protests now pending before the Customs Court involves penalty duties imposed on goods from Germany. The importer had been enjoying the advantages of the Swedish trade agreement, by virtue of our most-favored-nation treaty with Germany. He now seeks to have the President's power to impose such penalty duties declared unconstitutional. In short, he seems to think that he can get the penalty duties declared unconstitutional on the ground that too much power has been delegated to the Chief Executive, without at the same time jeopardizing the favorable Swedish trade agreement.

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a particular treaty have not, by virtue of a general most-favored-nation treaty, been automatically extended to other countries. Each country, under this principle, was the object of a separate negotiation. A wide variation resulted—in effect, discrimination. However, section 317 of the Tariff Act of 1922 (which is currently effective as section 338 of the 1930 act) definitely renounces the *conditional* principle, or principle of discrimination, and provides the President with authority to penalize with additional duties (or with an embargo) goods coming from a country which discriminates against the trade of the United States. At the same time, any trade agreement concluded by the United States with another country is to become effective with every country with which the United States has an effective most-favored-nation treaty. Since favored nation treaties are in force with most countries of commercial importance, each new reciprocity agreement concluded by Mr. Hull, and put into force by the President, widens the field of tariff reduction. The bitter opposition of the protectionists is the inevitable result.

II

In spite of the fact that the Trade Agreement Act obviously delegates a great deal of authority to the executive, the leading case in which its validity is being contested is not having smooth sailing in the courts. The difficulties thus far have been largely technical. However, since other cases are pending, perhaps the whole subject deserves consideration.

George S. Fletcher, who first took objection to the new reciprocity act, imported a number of crates of pineapples, which the collector of customs assessed at 20 cents per crate, as provided under the new Cuban trade agreement. Mr. Fletcher offered to pay more. It was his contention that the legal rate was 50 cents per crate (as fixed in the Tariff Act of 1930) less 20 per cent of that amount—the 20 per cent to be deducted under the first Cuban reciprocity act of 1902. He, therefore, insisted that the collector should accept 40 cents per crate instead of the 20 cents which he was willing to receive. And what may be even more surprising, Mr. Fletcher was willing and anxious to go to court about it. He appealed to the Customs Court under the provisions of sections 514 and 515 of the Tariff Act of 1930, which gives the dissatisfied importer a legal right to protest against the exaction of unjust duties.

The technical difficulty in Mr. Fletcher's case at once becomes obvious. It is a technicality which any person wishing to contest the constitutionality of the new reciprocity act may confront. Since the court's function is to give relief in real *cases or controversies*, where one party has been (or is about to be) injured by another, there seems to be little ground for suing the government because its agent has declined to assess a *higher* rate of duty. Where is the injury to the importer? What ground is there for a suit?

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Under the common law, there is no remedy in such a case. But since Congress may prescribe the circumstances under which the government may be sued, statutory provision may be made which will allow an importer to protest on any ground stated in the statute. The plaintiff in the Fletcher case, therefore, has to depend upon the language of sections 514 and 515 of the Tariff Act of 1930, which specifically announce the conditions under which an importer may sue the government in case he is dissatisfied with the collector's decision. Counsel for Mr. Fletcher contended that section 514 was broad enough to cover an importer's protest against the collection of too little as well as too much customs duty. But this, at least, was not specifically mentioned in the language of that section.[9] And in the absence of such a specific provision, Mr. Fletcher lost the first round in his suit. The Customs Court dismissed the case.[10]

But the plaintiff had not come into court without a precedent. Some twenty-five years ago, a Mr. Schwartz won a similar suit in the Court of Customs Appeals.[11] It seems to be the only case on record in which an importer in the United States has won a suit on the complaint that the assessment was too low.

Certain important points of distinction between the two cases should not be overlooked. In the first place, the Schwartz case arose under section 14 of the Tariff Act of 1897, which contained language different from that in section 514 of the 1930 act. The Court had been divided in opinion on the proper interpretation of the former statute. And Congress took

[9] Section 514: Protest Against Collector's Decisions: "Except as provided in subdivision (b) of section 516 of this Act [relating to protests by American manufacturers, producers, and wholesalers], all decisions of the collector, including the legality of all orders and findings entering into the same, as to the rate and amount of duties chargeable, and as to all exactions of whatever character [within the jurisdiction of the Secretary of the Treasury], and his decisions excluding any merchandise from entry or delivery, under any provision of the customs laws, and his liquidation or reliquidation of any entry, or refusal to pay any claim for drawback, or his refusal to reliquidate any entry for a clerical error discovered within one year after the date of entry, or within sixty days after liquidation or reliquidation when such liquidation or reliquidation is made more than ten months after the date of entry, shall, upon the expiration of sixty days after the date of such liquidation, reliquidation, decision, or refusal, be final and conclusive upon all persons (including the United States and any officer thereof), unless the importer, consignee, or agent of the person paying such charge or exaction, or filing such claim for drawback, or seeking such entry or delivery, shall, within sixty days after, but not before such liquidation, reliquidation, decision, or refusal, as the case may be, as well in cases of merchandise entered in bond as for consumption, file a protest in writing with the collector setting forth distinctly and specifically, and in respect to each entry, payment, claim, decision, or refusal, the reasons for the objection thereto. The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the collector upon any question not involved in such reliquidation."

[10] Decided Dec. 2, 1936.

[11] United States v. Schwartz. 3 C.C.A. 24 (1912).

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steps to amend the language so that there could be no mistake about it.[12] Later, when the Supreme Court had an opportunity to do so,[13] it voiced disapproval of the Schwartz decision in the following language:[14] "There have always been remedies by which an importer may recover an excess rate of duty exacted from him by a customs collector, either by common law action against the collector, as in Elliott vs. Swartout . . . or by statute . . . But the claim that even an importer may complain by appeal or otherwise of the exaction of too low a rate of duty seems not to have been asserted until 1912, when an appeal by an importer against an assessment as too low was sustained by the Customs Court of Appeals, . . . upon the theory that one might be aggrieved by an assessment too low as well as by one too high. *But this decision did not meet with favor and the remedy by appeal was confined to cases in which the duty imposed was claimed to be higher than authorized by existing law.*"[15] Efforts on the part of Mr. Fletcher's attorneys to convince the Customs Court that Congress had meant to restore such a remedy, even though it was not specifically mentioned in section 514, were in vain.

III

It is quite obvious that Mr. Fletcher could have no interest, *as an importer*, in winning such a suit. The only plausible excuse for starting such an action in the courts was to provide a test case on the constitutionality of the trade agreements. The plaintiff's real object was to get the courts to declare the latest reciprocity act void—not, certainly, to improve an importing business, but to get a return to the higher protective duties of the Hawley-Smoot Act. This can lead the observer to but one conclusion: Mr. Fletcher's real interest is that of the domestic producer, and not the importer.[16]

American manufacturers have long considered that their interests are entitled to every protection. They feel that not only should the importer have a legal right to protest against a duty which he regards as too high, but also that the domestic producer should, by statute, be given the privilege of bringing an action in the courts on the ground that duties

[12] Act of Oct. 3, 1913, c. 16, 38 *Stat.*, Section III, Part N. This section provided specifically that importers could sue only in case the duty assessed was too high. The language of section 14 of the Dingley Act (1897), unchanged by the Tariff Act of 1909, provided that an importer could sue "if dissatisfied." A majority in a divided court in the case of Schwartz held that this covered objections of any kind, and was not limited to the common law protest against *excessive* duties.

[13] The Supreme Court had no appellate jurisdiction in customs cases at the time of the Schwartz case.

[14] Louisiana v. McAdoo, 234 U. S. 627, at p. 632.

[15] The Court here cited the act referred to in note 12 above, i.e., the Underwood Tariff Act. The italics are mine.

[16] This fact is admitted in the plaintiff's brief for a rehearing (February, 1937). He is attempting to show that the operation of the act is causing a serious injury to his business as a domestic producer in Florida.

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which are being assessed are, for some reason, too low. Sympathetic majorities in Congress in 1922 and 1930 incorporated section 516 in the Fordney-McCumber and Hawley-Smoot Acts, respectively, providing for such legal protests by domestic producers. But such a spirit did not pervade the Democratic Congress which amended the 1930 act with the Trade Agreement Act of 1934 (section 350). On the contrary, when the latter was being considered, Senator Harrison introduced an amendment which provided that the domestic manufacturers' protest provisions of the Hawley-Smoot bill should not apply to any article with respect to the importation of which the United States had entered into a foreign trade agreement. This amendment was finally adopted. And the American manufacturer was left without an opportunity to contest the constitutionality of this act, except in the manner tried by Mr. Fletcher.

And this may prove a broken reed to lean upon. That the constitutionality of a statute cannot be attacked by one who has not been injured by its application, seems well established. "A litigant can be heard to question the validity of a statute only when and in so far as it is applied to his disadvantage," said the Court in Rindge Co. et al. v. County of Los Angeles.[17] Therefore, since Congress has denied Fletcher a remedy in a suit as an "injured" domestic producer, and he can show no real injury as an importer, his chances for success in the courts appear to be slender indeed.[18]

There seems to have developed in the minds of domestic producers a belief that they have a vested right in a protective tariff. In a plea for a rehearing of his case, Mr. Fletcher now seeks to show that he has been injured as a result of the reciprocal trade agreement with Cuba. He is a producer of certain crops in Florida, and lowered duties are letting in competitive goods. Therefore, he is injured. That he cannot constitutionally be denied a right to sue where such an injury exists, seems to be the basis of his new contention. The plaintiff is undoubtedly confusing his situation with the use of the due process clause by the courts in setting aside unreasonably low utility rates.

In *ex parte* Young,[19] it was found that a state could not deny the judicial process to a utility company whose rates had been made unreason-

[17] 262 U. S. 700, 709–710. See also Cooley's *Constitutional Limitations*, 8th ed., I, pp. 339.

[18] In Mass. v. Mellon, 262 U. S. 447, 448, the court asserted: "We have no power per se to review and annul acts of Congress on the ground that they are unconstitutional. The question may be considered only when the justification of some direct injury suffered or threatened, presenting a justiciable issue, is made to rest upon such an act. The party who invokes the power must be able to show not only that the statute is invalid *but that he has sustained or is immediately in danger of sustaining some direct injury as a result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally.*" The italics are mine.

[19] 209 U. S. 123.

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ably low by the state commission. But utility rates, as in the Young case, are not in the same category as customs rates. The due process clause has often been invoked to protect the property rights of utility companies against unreasonably low rates for services rendered. But a tax is different. It is not a toll for services, but a demand of sovereignty. It involves the power to destroy. Mr. Justice Sutherland put it plainly in the Magnano case:[20] "Nor may a tax within the lawful power of a state be judicially stricken down under the due process clause simply because its enforcement may or will result in restricting or even destroying particular occupations or businesses . . . " The question of the reasonableness of a tax rate has, throughout our judicial history, been regarded as a non-justiciable one.[21] It must remain so unless the judges wish to set themselves up as a council of Elder Fathers who are going to legislate from the bench. Imagine the problem of sitting in judgment on the case of every citizen who regards his property tax as too high or a customs tax as too low.

But Mr. Fletcher still has hopes of winning his suit. And should he fail, there will be others. In fact, the Customs Court's docket is being flooded with protests under the reciprocity provisions. Two of the leading cases are confronting technical difficulties very different from those in the Fletcher case.[22] But eventually the courts may have to consider an objection to the Trade Agreement Act where its constitutionality may be more seriously questioned.

IV

The political dispute over the present reciprocity act has turned on the question of nomenclature. The Democratic proponents of the measure ominously labeled it a "trade agreement act." And the Republican opponents insist upon referring to the agreements as "treaties." Since the statute makes no provision for Senate ratification, the latter are obviously hopeful that the Supreme Court will declare the agreements unconstitutional. As the original brief of Mr. Fletcher's counsel indicates, his case rests primarily upon the point that these "treaties," lacking Senate ratification, are void.

But why bandy words? On this point at least, the Court has already spoken. Similar trade agreements were made in pursuance of section 3 of the Tariff Act of 1897. And in the case of B. Altman & Co. v. United

[20] A. Magnano v. Hamilton, 292 U. S. 40 (1934).

[21] Except in Mr. Justice Butler's reasoning in Great Northern Ry. Co. v. Weeks, 297 U. S. 135 (1936).

[22] In Von Damm v. United States (T. D. 48485, August 10, 1936), a controversy over the special status of Cuba arose. This was anticipated in my monograph, *The President's Control of the Tariff*, pp. 53–55. Behind this case is also a bit of high politics. The Florida producers of fruits and vegetables are inducing the South American countries to raise the somewhat embarrassing question (from the "good neighbor" point of view) of Cuban status.

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States,[23] the Supreme Court held one such agreement to be a treaty in the constitutional sense. In fact, a treaty is "a compact made between two or more independent nations with a view to the public welfare."[24] Undoubtedly this language is broad enough to cover all forms of international agreements. But, said Justice Day in the Altman case: "While it may be true that this commercial agreement . . . was not a treaty possessing the dignity of one requiring ratification by the Senate of the United States, it was an international compact . . . made in the name and on behalf of the contracting countries, and was proclaimed by the President. *If not technically a treaty requiring ratification, nevertheless it was a compact authorized by the Congress of the United States, negotiated and proclaimed under the authority of the President.*" Thus he implied that it was legal, even though the agreement in question was "not technically a treaty."

The proponents of the reciprocal trade agreements will doubtless maintain that such arrangements are merely fluctuations of the tariff rates according to a given policy and plan prescribed by Congress, and within specified limits. This delegation of authority is no greater than that which continues to exist under the cost-equalization policy of the two previous tariff acts. While the technical point of no Senate ratification may be raised, it may very reasonably be argued that the consent of the whole Congress is not inferior, in matters of this kind, to the consent of the Senate alone.[25] The supreme legislative authority is Congress. Revenue measures are regarded as peculiarly within the perview of the two houses of Congress rather than of the Senate alone. The power of the President and the Senate is necessarily subordinate in some respects. An ordinary act of Congress may abridge a treaty at any time.[26] And what is to prevent a bare majority of both houses (the supreme authority in revenue matters) from laying down a policy and plan to guide the Administration in its future actions? Congress can as well give its consent to specific tariff changes before as after a given contingency arises.

And finally, should a contestant win his suit by getting the Supreme Court to declare the Trade Agreement Act unconstitutional on such a minor technicality, there is nothing to prevent Congress from passing a resolution which would promptly put all tariff rates which had existed under the agreements immediately back into full force and effect for the duration of such period as desired. In short, Mr. Fletcher has little chance of ultimate success, except with the tacit approval of Congress as well as with favorable action from the courts.

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[23] 224 U. S. 583, 600.

[24] *Bouvier's Dictionary*, II, 1136.

[25] Green v. Biddle, 8 Wheat. 1, 85; Virginia v. West Va., 11 Wall. 39, 59; Poole v. Fleeger, 11 Peters, 185, 209.

[26] Head Money Cases, 112 U. S. 580, 589.

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Reorganization of the General Accounting Office. President Roosevelt's message of January 12 urging a thorough reorganization of the administrative branch of the federal government was greeted by a Congress undoubtedly astounded at the number and revolutionary character of the reforms advocated. Among the suggestions around which opposition has crystallized is the proposed redistribution of the General Accounting Office's functions relating to accounting, expenditure control, and auditing between a more circumscribed "General Auditing Office" and the Treasury Department. It is unfortunate that the benefits to be derived from this reorganization are not widely recognized. On the contrary, the move easily lends itself to characterization as an arrogation of further power on the part of the Chief Executive and an attempted removal of the administrative branch of the government from any effective control by Congress. In the words of Senator Vandenberg, "it would put a muzzle on the only watch-dog that's left around here." Publicity is given to the "proposed abolition of the Comptroller-General's office," as though this independent critic of Administration expenditures were to be done away with entirely. Actually, under the President's plan provision is made for an independent audit which could be made more effective than the confused control exercised by the Comptroller-General under the present arrangement. In addition, the recognition of accounting and expenditure control as fundamental elements of management would bring into the federal system an increased efficiency in administration which is sadly needed.

Let us examine briefly the three major functions of the General Accounting Office—namely, accounting supervision, expenditure control, and audit—with a view to the effect which reorganization would have upon each.

Accounting System. Under the Budget and Accounting Act of 1921, the Comptroller-General was authorized to keep the personal ledger accounts of disbursing and collecting officers, and in addition was directed to "prescribe the forms, systems, and procedures for administrative appropriation and fund accounting" in the federal departments and establishments. As is pointed out by the President's Committee on Administrative Management, "fifteen years have since elapsed, and still no comprehensive and adequate system of general accounts has been developed by the Comptroller-General's office."[1] Those who looked to the act of 1921 to bring about marked improvement in our governmental accounting systems have been sadly disappointed. There are several possible explanations for this lack of progress—the difficulty of changing established procedures, the tremendous work-load already carried by the

[1] Report of January, 1937, p. 20.

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General Accounting Office, the adequacy of existing accounting methods for auditing purposes. Whatever the cause, the result has been a complete failure to recognize and utilize the value of general accounts for *administrative* purposes. Such accounts furnish the information necessary for a continual and enlightened redefinition of administrative practices and policy. They are the necessary foundation of current control of subordinate officials by those responsible for the workings of the administrative branch as a whole. Budgetary plans, borrowings and debt administration, expenditure curtailments, transfers of funds, efficiency research—all these are executive functions which make efficient administration possible. Yet an executive without an accounting system fashioned and controlled with due regard to its management as well as its auditing value is like a carpenter without his tools. How many successful private firms would be willing to surrender accounting control to an independent auditing agency? The answer is obvious, since accounting is a tool of management (as well as a safeguard against dishonesty) and is treasured as such.

President Roosevelt is not the first to see the defect in our federal treatment of the accounting problem. Mr. A. E. Buck and other leading scholars in the field of fiscal administration, ex-President Hoover, and, interestingly enough, a special committee of the United States Chamber of Commerce, have all advocated the centralization of accounting in an agency directly under the President. The present plan, by transferring to the Secretary of the Treasury the "authority to prescribe and supervise accounting systems, forms, and procedures in the federal establishments," would accomplish this long-delayed reform.

Control of Expenditures. The apprehension of numerous distinguished witnesses[2] in 1919 did not prevent Congress from uniting under the Comptroller-General the functions of controlling expenditures and conducting an independent audit. This was in direct contrast to progressive business practice, which draws a sharp distinction between internal financial control (a function of management) and external financial control (a safeguard on behalf of the owners),[3] and was also in contrast to the fiscal organization of the British government. Fifteen years of experience under Mr. McCarl's administration of the General Accounting Office have borne out the fears of 1919 and have increased the number of those who are convinced that a separation of "controlling" and "auditing" functions is essential.[4]

[2] These included Governor Lowden of Illinois, then Secretary of the Treasury Carter Glass, President Goodnow of Johns Hopkins University, President Butler of Columbia University, Mr. Henry L. Stimson, and Dr. Frederick A. Cleveland. See *ibid.*, p. 21.

[3] See G. C. S. Benson, *Financial Control and Integration* (1934), Chaps. 3–4.

[4] Dr. W. F. Willoughby, who was largely responsible for the Budget Act of 1921, has been disappointed in the way General Accounting Office control has developed.

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The delays resulting from an attempt to settle every detail of federal expenditure in the General Accounting Office are notorious. Months, and even years, are frequently required to investigate each small expenditure and to make final settlement of claims. Since it is removed from actual administration, the General Accounting Office constantly requires detailed information supporting a proposed expenditure of minor proportions. The cost of preparation may exceed many times the amount of the expenditure itself; thus, in May, 1935, when the T.V.A., through an oversight, made an underpayment of fifty-seven cents to a railroad company, the total cost of settling the claim, i.e., the time, correspondence, and photostatic copies demanded by the Comptroller-General, was between five and ten dollars. Delay and inconvenience to the spending agency do not justify a demand for fiscal irresponsibility. However, an officer within the administration, through familiarity with administrative practices and problems, could maintain effective control of current expenditures without requiring voluminous evidence explaining and supporting every cent which is spent. Unnecessary delays need no longer hold up administrative action and incur the ill-will and higher prices of those in private business who render the government goods and services.

The Comptroller-General has proclaimed himself the sole interpreter of appropriation acts and all statutes governing the expenditure of federal funds. In an early ruling, Mr. McCarl held that the decision as to whether expenditures of public funds are "authorized by law, and are for the objects or purposes for which the appropriations sought to be charged are available," is a matter for determination solely by the Comptroller-General, "and may not be adjudicated in any court."[5] Or again, witness the following excerpt from a committee hearing in 1928:

Question: "As to the expenditure of appropriated money, according to your interpretation of the law, the Comptroller-General's Office is the court of last resort?"

Assistant Comptroller-General Lurtin R. Ginn: "Absolutely, except you gentlemen up here. . . . "[6]

The result has been a legalistic interpretation which upon occasion has defied the intentions of Congress, the desires of the President, the rulings of departmental legal advisers and the Attorney-General, and the decisions of federal courts, including the Court of Claims.[7] Few would ob-

He recently told the writer that he believed a separation of "controlling" and "auditing" functions is now desirable.

[5] 3 Comp. Gen. Dec. 545.

[6] *Hearings before House Committee on Expenditures in the Executive Departments on H.R. 12180*, 70th Cong., 1st sess., March 28 and 31, 1928.

[7] Mr. McCarl has recognized only the authority of the Supreme Court in such matters. See Harvey Mansfield, "Judicial Review of the Comptroller-General," *Cornell Law Quarterly*, Vol. 20, p. 459 (June, 1935).

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ject to Mr. McCarl's view that "however meritorious a claim, it cannot be allowed by the Comptroller unless there is some appropriation or statutory authority therefor." Whether or not that authority exists in a given instance is a different matter, and many of the Comptroller's rulings are arbitrary and unreasonably restrictive. The Employees' Compensation Commission, for example, following the general practice and under the wide discretionary powers granted it by the act of 1916,[8] included occupational diseases under "personal injuries." The Attorney-General agreed to this reasonable interpretation, but it was overruled by Mr. McCarl,[9] and an express sanction of the Commission's position by Congressional act[10] became necessary. Again, the Comptroller-General has ruled that naval appropriations are not available to pay the travel expenses of dependents of naval officers ordered home pending change of station, in spite of contrary interpretations by the Secretary of War, the Attorney-General, and the Court of Claims.[11] Purchase of bridge-toll coupon books, despite a saving of 50 per cent, is illegal as an advance of federal funds before the purchased service is received.[12] Treatment of the walls and ceilings of a public building with sound-deadening felt is not an item of repair or preservation but an improvement, and is not payable from an appropriation for repairs and preservation of public buildings.[13]

In the third place, General Accounting Office control of expenditures has resulted in the substitution of accounting officer judgments for those of executive officers in matters properly of an administrative or discretionary nature. Such decisions by independent officers are inevitably characterized by a lack of knowledge and sympathy with respect to administrative policies, practices, and problems. Furthermore, when technical questions are involved, the very technicians whom we employ because of their expertness are pushed into the background. Among many expenditures of the Emergency Fleet Corporation objected to by Mr. McCarl were the lump-sum agreements under which government vessels were turned over to private operators for operation over agreed routes. Whatever the merits of the plan, it was adopted after careful administrative consideration and fourteen years of experience, and in full confidence that it represented the best plan for safeguarding the interests of the government in the liquidation of the Fleet Corporation.[14] This was an executive decision and not properly within the jurisdiction of the accounting officers. The Comptroller-General's objection to many of the

[8] 39 *Stat.* 742. [9] 2 Comp. Gen. Dec. 784. [10] 43 *Stat.* 389.

[11] See 34 Op. Att'y Gen. 346; cf. New York *Times*, March 9, 1935.

[12] *Hearings before the Committee on Military Affairs, House of Representatives*, "Tennessee Valley Authority," 74th Cong., 1st sess., May, 1935, p. 571.

[13] 2 Comp. Gen. Dec. 301.

[14] *House Document 321*, 72nd Cong., pp. 6ff.

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operating and construction methods of the T.V.A. caused Dr. Morgan to state the issue in these words: "Whose judgment shall prevail, in the conduct of a huge construction job, the engineers on the job, or the auditors?"[15] An examination of Mr. McCarl's T.V.A. audit report reveals the substitution of General Accounting Office judgments for those of T.V.A. experts at many points. These included technical questions involving specifications for complicated machinery and equipment and the need for emergency purchases, as well as management problems involving personnel and the proper use of T.V.A. automobiles.[16] For example, a case in which a T.V.A. employee travelled 4,765 miles at a cost of two cents a mile was compared to a case of "mismanagement" in which another employee travelled only 268 miles at a cost of fifty-six cents per mile, most of which was set depreciation. According to the Comptroller-General, the latter employee should not have had a car of his own, but should have been assigned a car from a central pool, whenever one was needed. The facts in the case are interesting. The case of "bad management" concerned the construction superintendent in entire charge of the $20,000,000 Norris project. No general pool of cars was maintained in that locality, and the superintendent had his car always at hand, ready to travel a mile or two at a time—from the dam site to the office, to the paymaster's office, to the warehouse. Certainly an efficient private firm would have ridiculed the suggestion that such a man should call on a central pool for a car or else walk around from place to place. On the other hand, the case of large mileage and low cost involved the daily commutation of the assistant superintendent from his home in Knoxville to the job at Norris, a distance of 25 miles. Actually, this was bad management, and as soon as a house was available for him in the town of Norris, he was moved there. The General Accounting Office's position in both cases was untenable.

Unreasonably legalistic interpretation of appropriation acts, on the one hand, and administrative decisions of the General Accounting Office, on the other, have the effect of compelling inefficiency in the federal administration. Under the Public Utility Holding Company Act of 1935, for example, the Securities and Exchange Commission was authorized to study and report upon the activities of investment trusts. Much statistical material was gathered, and the assembling, tabulation, and coordination of these data became necessary. With its own statistical personnel and equipment engaged in regular reporting, the S.E.C. felt that since the additional work was only temporary and the time element so im-

[15] *Hearings* (*supra* n. 12), p. 572.

[16] See "Report of Audit of the Transactions of the Tennessee Valley Authority from June 16, 1933, to June 30, 1934, made by personnel of the General Accounting Office," p. 134.

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portant, it would be most economical to contract with a private company for the job, and thus avoid the renting of additional equipment and the employment and training of new personnel. The Comptroller-General refused to sanction the contract, however, on the ground that Congress had "doubtless contemplated the performance of all duties" connected with the investigation by the regular employees of the Commission.[17] He pointed out that the Commission had "authority" under the Holding Company Act for the acquisition of new equipment and personnel! In another ruling, the Comptroller held that the Postmaster-General cannot lease unused space in public buildings in the absence of specific statutory authority therefor.[18] Under the act of June 15, 1935, the Secretary of Agriculture was authorized to acquire for parks and recreational purposes submarginal lands which were subject to rights-of-way, easements, and reservations, if in his opinion such reservations would not interfere with the use of the lands for the purposes of the act. The Secretary's statement that reservations on land purchased had been administratively considered and would not interfere with the intended use of the lands was not accepted by Mr. McCarl, who demanded in each particular case the complete facts upon which the conclusion was based.[19] This resulted in much detailed gathering and preparation of data, which in some cases was deemed so expensive as to warrant in its stead payment of a higher price to secure the land unencumbered. In another connection, the Comptroller-General has declared illegal the leasing of space in public buildings for private use where payment is to be made through repairs in lieu of cash rentals. This decision was based on the general statutory prohibition of repairs amounting to more than appropriations therefor,[20] and prompted the Secretary of War to declare that the authority to lease buildings would be "largely an empty one."[21]

The compulsory inefficiency arising from General Accounting Office control of expenditures is most keenly felt in the case of business enterprises in which the government is engaged. Here freedom from legalistic and rigid regulations is essential. Economic and technological factors necessitate a responsive flexibility in procedure and management. Emergencies must be met promptly, customers must be pleased, advantage must be taken of favorable market conditions. The government corporation has been utilized as an administrative device largely in order to secure this desirable freedom in administrative and financial matters.[22] While Mr. McCarl was unsuccessful in his attempt to secure complete

[17] Unpublished decision, May 2, 1936.
[18] 14 Comp. Gen. Dec. 169.
[19] Unpublished decision, April 14, 1936.
[20] Revised Statutes, sec. 3733.
[21] See 8 Comp. Gen. Dec. 633.
[22] See M. E. Dimock, *Government-Operated Enterprises in the Panama Canal Zone* (1934), Chap. 9; also H. VanDorn, *Government-Owned Corporations* (1926).

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control over fiscal transactions of all such agencies,[23] compliance with his regulations in the case of such enterprises as the T.V.A. has meant added expense.

The amount of federal funds "saved" through the expenditure control functions of the General Accounting Office has occasionally been estimated and offered in laudation of the Comptroller-General.[24] It cannot be denied that many illegal and unwise expenditures have been recovered, and still others prevented. On the other hand, few have stopped to think how much the activities of Mr. McCarl have *cost* the federal government in delays, in unreasonable interpretation of appropriation acts, in interference in matters properly administrative, and in compulsory inefficiency. President Roosevelt's proposed transfer of accounting and expenditure control to the Treasury will make possible the continuation of legitimate "savings," and at the same time will pave the way for the removal of much of the added expense and inefficiency which have been the price of our "independent watch-dog." It is too much to expect that red tape and friction between administrative and financial officers will entirely disappear under the proposed arrangement. Experience with the Comptroller of the Treasury before 1921 belies such an eventuality, and indeed a certain amount of disagreement is inevitable if both groups are conscientiously performing their duties. Obstructions to efficient administration, however, should be substantially decreased. The Secretary of the Treasury and the Attorney-General will both be in sympathy with the major policies and objectives of the Administration in power, and through cabinet meetings and other contacts they will possess at least a modicum of familiarity with the administrative problems of the federal departments and agencies.

Post-Audit. A post-audit by an agency independent of the spending authorities is an undisputed essential of good business and governmental practice. In business, it safeguards the stockholders; in government, it protects the taxpayers. Obviously, the independence of the auditing body is the very heart of this protection. In the Budget Act of 1921, the independence of the Comptroller-General was well insured, and a satisfactory audit was confidently expected. The additional power of disallowing expenditures was looked upon as a means of strengthening, rather than interfering with, this audit. The results, however, have not justified the expectation. Not only has the multiple function of the General Accounting Office had a disastrous effect upon executive and administrative action; it has also, in the words of the President's Committee, "failed to achieve an independent audit of national expenditures."

The Comptroller-General has been so busy with his controlling function

[23] See his *Annual Report, 1932*, pp. 13ff.

[24] E.g., 78 *Cong. Record*, 10423–24.

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that any thorough and prompt audit of expenditures for the scrutiny of Congress has been impossible. A report of transactions concluded many months earlier is of relatively little value. Yet the General Accounting Office staff, commonly referred to as the most over-worked body in Washington, continues to carry on its function as conceived by Mr. McCarl in such a way that the "audits" become progressively more and more delayed and unsatisfactory. All accounts are sent to the Washington office, together with supporting material justifying proposed or as yet unallowed expenditures. This centralization of activities in Washington, together with detailed examination of supporting evidence, produces a congestion which is increased when readjusted expenditures return for final auditing. To the extent that the Comptroller-General has already given decisions on administrative questions, the final check-up becomes in effect a review of his own determinations and thus relatively worthless as an independent post-audit.

Furthermore, the value of an audit report depends in large part upon the consideration which it receives at the hands of the legislature. In the federal government, the Comptroller's reports have little effect upon Congress, in so far as careful study and remedial action are concerned. This is partly because thorough and prompt audit reports have not been forthcoming. Another factor is the nature of the reports which have been made from time to time. Thus, the T.V.A. report of 1935, due to the auditors' lack of familiarity with the enterprise and the tendency to make administrative decisions, is full of many ludicrous exceptions which Dr. Morgan riddled in committee hearings. After a spectacular "revelation" by Senator Austin, the whole document was soon discredited, and the issue became the distribution of functions between the T.V.A. and the General Accounting Office rather than the examination of an independent audit. Much the same is true of the Comptroller-General's audits of the Fleet Corporation's transactions, made public in 1929 and 1932.[25] Once the function of the General Accounting Office became properly defined as post-auditing, the energies of that agency could be devoted to the preparation of regular reports which would merit Congressional attention. Still another reason for Congress' indifference to previous audit reports is the absence of Congressional machinery conducive to study and utilization of the information furnished. The energetic, opposition-controlled Public Accounts Committee of the British Parliament offers striking contrast, and Mr. Buck's long-standing recommendation of a similar development in this country[26] should be adopted as a part of our fiscal reorganization plan.

Conclusion. The time is long past due to remedy the costly defects

[25] *House Document 111*, 71st Cong., and *House Document 217*, 72nd Cong.
[26] A. E. Buck, *Public Budgeting* (1929), p. 560.

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which have appeared in our federal system of fiscal control. The recommendations of the President's Committee on Administrative Management are the result of careful study and are eminently sound. Accounting supervision and expenditure control are executive functions requisite to efficient administration and should be transferred to the Secretary of the Treasury, who is in turn responsible to the President. At the same time, an effective post-audit should be guaranteed by the continued independence of a "General Auditing Office" with properly defined functions.

Congress has the opportunity to destroy one more pillar of support for the old argument that government is inevitably inefficient. No progressive business organization would tolerate the exercise of executive functions by an independent auditor. True, government is spending the taxpayer's money. But is a successful private corporation any less the steward of its stockholders? It can hardly be repeated too often that an efficient, as well as an accountable, administration is democracy's hope of survival.

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Suggestions for a General Index for Political Science.* For some time, the growing stature of political science as an independent social science has been a notable feature in American universities. Yet, up to the present time, the categories of this new field of scientific endeavor have not found their way into the indexing departments of libraries, nor have they been recognized by indexers of other collections. Even the editors of encyclopedias, people of great learning and ability, have omitted some of the most significant topics of political science, because of the lack of any accepted index indicating the range of the field and focusing attention upon its primary categories. The *American Political Science Review* itself is confronted with the problem of a suitable subject-index. The growing complexity of all kinds of materials bearing upon the work of political scientists, and more particularly the increasing mass of public documents, has become more and more baffling. Even the skillful indexers of the *Congressional Record*, for example, seem unaware of the major topics of interest for political science, and thus no sign-posts of the usual kind have been made available to workers in our field. This state of affairs is our own fault. Political scientists have failed to get together on a suitable guide for libraries and other centrally placed distributors of information. They have not provided any list of subjects which might aid such people in their work. But if it is our fault, the fault is in part due to the controversial nature of our subject-matter. This controversial matter manifestly does not permit of the adoption of the point of view of any individual scholar. Hence, only an index embodying the emphases of conflicting points of view can have practical value. None but a modestly pragmatic foundation can make such an index broad enough to satisfy varying demands. Neither rigid logic nor a fanciful metaphysic will do. Unhappily, such a pragmatic approach to the problem will also be subject to extensive criticism on all sides. In fact, the danger is considerable that such an index will appear as unsatisfactory to everybody as do most compromises. The charge will be brought by the different schools of thought that such an index fails in consistency, order, and adequacy. Nothing but equanimity in the face of adversity seems left when one faces such criticism. Indeed, the author of this investigation and his assistant do not wish to identify themselves with the list of categories here presented, for they represent the viewpoints of many other scholars besides themselves.

The purpose of this survey, then, is to examine the possibilities of

* The research work involved in the preparation of the following material was made possible by a grant from the Committee on Research in the Social Sciences at Harvard University, for which the authors wish to acknowledge their thanks.

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constructing an index of fundamental political science concepts. The method employed has been the preparation and criticism of a working index of general political science terms, of the sort that might be used by scholars in private research, or that might be made the basis of a subject-heading classification for libraries or an index to public documents. The attempt was made to confine this index to an arbitrarily limited number of terms; in effect, a search was instituted for the 100 most important (i.e., most common, most popular, most generally accepted, or most clearly defined) terms now in use by political scientists.

The need for a classification of political science categories has long been recognized. To take as a single example the problem of public documents: librarians freely admit that a subject-matter classification is here essential. Librarians have been confused and handicapped by the fact that government documents are not issued by author; further, some classification must be achieved which will cut across the lines of state, federal, county, municipal, and foreign documents, and eliminate the laborious search through shelves of meaningless titles to find the precise material needed. The various mechanical aids devised by the Superintendent of Public Documents have been of considerable help in specific cases, but have in no sense solved the basic problem, which is that of subject-heading classification. Collaboration between the research worker and the librarian is necessary for an adequate classification; and the first step is a formulation of the scholar's needs in the way of an index.

I

The preparation of the index began with a preliminary survey of (1) the sources from which material for an index could be drawn, and (2) methods of handling the material found. Using the writings of the last twelve presidents of the American Political Science Association as a foundation, a bibliography was selected which attempted to cover the whole range of political science. Of about 35 books examined, 22 were finally chosen for the preliminary survey. The categories used in the indexes of these books were alphabetized, and the resulting list was examined for duplication and for non-analytical categories such as proper names.

This preliminary survey brought four main results. First, it indicated that the general method adopted would be reasonably adequate; the use of indexes of scholarly writings in the field would furnish a satisfactory basis for the construction of a list of categories. In the second place, the preliminary survey revealed a rather high percentage of duplication among indexes, and a large proportion of proper names. This raised the question of whether it would be better to enlarge the list of sources, or to prepare a basic list of categories and thereafter check it against other

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indexes or standard lists of categories. Third, the survey revealed a noticeable lack, in the indexes consulted, of public administration categories on the one hand, and of systematic analytical categories on the other. Finally, the survey furnished a list of 225 terms, condensed from a total of 548, which was made the basis of further procedure.

Revision of this preliminary list began with an examination of additional sources, enlarging the index to include those categories which had been lacking. This was followed by internal consolidation of the list to eliminate categories which could be combined, at the same time constructing fresh analytical categories where necessary. In this manner, the index was reduced to a total of 83 categories.

A series of checks was then employed. The index was first compared with the *Encyclopedia of the Social Sciences*, the *Dictionnaire d'Administration*, and the *Deutsches Handwörterbuch*. It was then sent to a mailing list of 100 scholars in the field of political science, and was revised on the basis of the comments and additions received from the 78 who responded. Finally, it was checked against the schemata of various general works on the science and method of government.

II

The criticisms received from the mailing list of 100 members of the profession raised practically all the problems involved in a project of this sort. In general, these may be grouped under three headings: the technical problems suggested by the attempt to construct a subject-heading classification for libraries; the quasi-technical problems encountered in making the list useful to scholars for private indexing; and the scientific problems presented in constructing a consistent framework for the terminology of political science as a whole. Of the specific criticisms made of the tentative list, four were repeated by several individuals: that the list was not sufficiently detailed; that it lacked consistency in the type of terms used; that many of the categories were ambiguous or did not represent any generally accepted definition; and that it showed no coherent or coördinated scheme of reference.[1]

The primary requisite for a subject-heading classification for libraries is comprehensiveness. Whatever the general frame of reference, the classification must be able to contain all possible titles. This indicates a classification elaborated into practically endless detail, not only by means of

[1] The statistical data concerning the inquiry are as follows: 100 scholars were circularized, of whom 78 replied, 32 of them accompanying their reply with more or less extensive letters of comment. These 78 scholars added a total of 323 separate categories to those presented for their criticism. Naturally, individual categories not repeated by anyone else were most numerous. Of these there were 208, while only one category was demanded by 10 individuals.

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subdivision, but by cross reference to synonyms and antonyms. Thus, the classification used by the Public Administration Clearing House in its Joint Reference Library includes approximately 3,000 subject-headings. On the other hand, the Municipal Reference Library of the University of Minnesota has worked out a classification of subject-headings with only 21 basic terms, which has been elaborately subdivided for practical library use. Moreover, neither of these systems offers more than a partial classification, covering a limited portion of the field of political science.

The comments offered by members of the profession indicated that the tentative list should indeed be enlarged. Representatives of each of the various divisions of political science offered additions to the list on the basis of their special interests, enlarging the index to approximately four times its original size. It is significant, however, that a relatively large amount of duplication was found here, certain categories being repeated in the comments of several scholars. Further, the index remained basically the same sort of compromise affair that it was when sent out; the concepts which scholars considered fundamental included categories both broad and narrow, concrete and abstract, as of equal significance. Thus, the broad terms "Administration," "Political Theory," and "Jurisprudence" were suggested; similarly "Collectivism" and "Liberalism." The comparatively narrow term "Immigration" was considered essential by a relatively high proportion of scholars; similarly, "Mandates," "Unicameralism," and "Treaties." Both "Pressure Groups" and "Propaganda" were favored strongly. To suggest that the collaborating scholars gave merely their casual and unconsidered reaction is only to strengthen the point that compromise is inevitable.

A second requisite for the library index is clarity of terms. Vague and ambiguous categories must either be eliminated or in some way given a clear and unmistakable meaning. The present survey indicates two methods by which this might be accomplished: subdivision and cross-reference. The possibility of achieving a completely uniform terminology, i.e., a system using exclusively abstract or concrete terms throughout, seems small; the replies to the mailing list supported the writers' initial conviction that there is no general agreement, but rather the contrary, about the definition of political science terms in the first place, and about the possibility of, or even the need for, such definition in the second place. Thus, students of public administration do not uniformly accept the subdivision of "Bureaucracy" into "Hierarchy" and "Function"; indeed, the replies indicated no mere indifference but a sharp clash of opinion as to this term's meaning and significance.

Still, the collaborating scholars either suggested or implied that a degree of consistency in definition may possibly be attained by the use of these two techniques; if nothing else, they precipitate the conflict of

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opinion as to meaning, and force the political scientist to think about his own definitions. He must ask himself, for instance, whether an abstract category should be subdivided into further abstractions or into concrete terms? Should subdivision be employed for the purpose merely of practical definition, or for the achievement of logical consistency?

In the construction of a pragmatic index, both subdivision and cross-reference must be adapted to the general need for compromise; this has been the guiding principle in the present instance. Thus, "Public Opinion," "Propaganda," and "Pressure Groups" have all been considered primary categories; but to the relatively concrete term "Pressure Groups" has been added the subdivision "Lobbying." "Convention" has been subdivided into "Constitutional" and "Political"; and under the term "Constitution" has been subsumed "Constitutionalism." "Direct Legislation" has been subdivided into "Initiative," "Referendum," and "Recall." These are all merely suggestive, as is the index in general; the assumption is that it can be enlarged or altered along these lines as specific circumstances require.

The same point can be made in the case of the cross-reference problem. Where the technique of subdivision is employed to achieve an index condensed into a very few basic categories, cross-reference is useful in attaining a workable compromise between abstract and concrete terms, both types being used as primary categories. Thus, under "Colonial Policy" may be indicated "League of Nations" and "International Organization"; both these latter terms were given a high proportion of votes by the scholars circularized. Or, a category like "Law Enforcement" may be used both as a primary term and as a subdivision of "Public Safety," by means of cross-reference. The needs of the particular problem at hand will in any case determine the specific use of terms; but this is not to say that specific cases will actually alter the definition of terms.

The problems of the librarian formulating a classification of subject-headings for book titles and the problems of the scholar making an index for a book or for a mass of research materials are different only in degree; the points just discussed are common to both. It is hoped that the index here presented may serve as a point of departure for elaboration in the former case and refinement of definition in the latter.

The point of criticism most interesting to the political scientist is the matter of a general frame of reference for political science terminology as a whole. In the present case, this inquiry has been confined within strictly pragmatic limits, indicated by the query: For the purposes of an index, what sort of framework is most adequate for grouping the terms used?

One type of framework might be an enumeration of the "fields" within political science: public law, comparative government, political theory, public administration, international law, and the like, with appropriate

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subdivisions under each major heading. From the practical viewpoint, this system would not be wholly undesirable; the classifications made to date have covered single fields in just this fashion. Further, as one collaborator suggests, each library collection has its own peculiar problems. It may well be, therefore, that this sort of classification will be the most that can be attained, and that attention should be concentrated upon clarifying the terms within these subdivisions.

A second type would cut across the divisions of political science to classify its fundamental terms into groups such as "Conception of Powers," "Structure of Machinery," "Ends of Power," "Political Processes," "Remedies," and "Sanctions." This approaches closer to a scientific scheme. The problem here confronted is the lack of consistent framework among the divisions of the science; certain specific terms agreed on as fundamental defy subsumption under any of these headings. The most that can be done, perhaps, is to keep this sort of division in mind as the index is being prepared, to make certain that no material which properly falls within these groups is neglected.

A third type of framework is that employed by the authors of general treatises on the science and method of government. The same problems apply here as in the second type of organization; but this method has the advantage of offering a technique both available and usable in the actual construction of a classification. It was used in the present instance by abandoning the alphabetical form of the list in favor of an outline suggested by chapter headings and internal structure of various works on political science. However, this merely secures more adequate inclusion; as an attempt to discover a systematic scheme of reference which might be generally accepted, it is admittedly inadequate.

III

The foregoing discussion has been based at all points on the survey as actually conducted; the problems as presented were all explicitly raised or implied in the replies received from the scholars circularized. To summarize briefly, the index offered as a result of the inquiry is admittedly a compromise. There is an element of inconsistency in its make-up: some categories are very wide, others quite narrow; some are abstract, others concrete; some are nouns, others adjectives. An examination of the problems involved in preparing an index of this sort seems to indicate that this is not merely a result of the conflict between theoretical perfection of structure and considerations of flexibility in practical use; it is also a reflection of inconsistency and diffuseness in the field of political science.

Certain limitations on this type of inquiry are apparent. Unless the

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inquiry is very strictly limited, the magnitude of the task and the scope of the knowledge required will make it impossible of conclusion or completion. A second major limitation may be described as the inevitable artificiality of separating the problems involved in preparing an index of political science concepts. In a field so dynamic, so constantly in flux, the research worker can do no more than momentarily pin down a specimen for examination; the selection of problems for study must necessarily be arbitrary, their description and analysis consequently somewhat artificial, and conclusions merely tentative.

Still, the study does reveal certain criteria which are at least useful in the preparation of such an index. Bearing in mind the compromise aspect of the undertaking, these may be enumerated as follows: (1) The index should be unambiguous, achieving this either by limiting the list of primary categories to terms whose definitions are very generally accepted as mutually exclusive by the profession, or defining the terms by careful subdivision and cross reference. (2) It should be comprehensive, to the extent that the primary terms reflect the major divisions of political science. (3) It should be flexible, for the purpose not only of fitting the needs of the individual scholar, but also of reflecting the changing social situation and changing pedagogical ideas.

In conclusion, a word should be said about the question, explicitly raised by some of the scholars circularized, of whether this type of inquiry is worth while. The unusually large response to the questionnaire indicates that there is at least a widespread desire for the clarification of terminology; and the problems brought out in the analysis of replies suggest that while existing confusion is great, it is accidental rather than inherent. Perhaps a better statement of this general question would be: Which lines of inquiry are most fruitful? It is hoped that this survey, and the index offered, may here be suggestive. It is the writers' belief that if a thoroughly pragmatic approach to the inquiry is maintained, the resulting index must be of some value. It can become the basis of a working subject-heading classification in libraries; it can be refined for the purposes of the individual scholar; and it will assist in the work of encyclopedists seeking to cover adequately the more general topics in political science terms. If consistency cannot be attained, at least it is possible to reduce confusion. The following list is offered as a point of departure. Perhaps, as time goes on, the viewpoints in our science will converge and allow greater consistency, as now exists in other sciences. Perhaps some new Aristotle, a genius for wide-range classification, will be stimulated to construct a completely consistent categorical scheme and secure its acceptance by all schools of thought. We submit the result of our inquiry for what it may be worth as a foundation or as a target.

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Absolutism
Accounting
Administration
  Judicial
  Municipal
  Public
Aggression
Agriculture
Amendment
  Amending Power
Appointment
Appropriations
Arbitration
  Industrial
  International
  Judicial
Army
Audit

Balance of Power
Bicameralism
Bill of Rights
Bi-Party System
Borders or Frontiers
Budget
Bureaucracy

Cabinet System
Campaigns
Capitalism
Caucus
Censorship
Centralization
Charters
Civil Divisions
Civil Service
Classification
Codification
Collectivism
Colonial Policy
  Mandates
  See International Organization
Committees
Communications
Communism
Competency or Jurisdiction
Conference
Conservatism
Constituency
Constitution
  Constitutionalism
Convention
  Constitutional
  Political
Coördination
Crown
  Monarchy
Custom or Precedent

Decentralization
Defense
Delegation of Power
Dictatorship
Differentiation
Diplomacy
Direct Legislation
  Initiative
  Referendum
  Recall
Disarmament
Discipline
Due Process

Economy and Efficiency
Education
Elections
  Electoral System
  Electorate
Emergency Powers
Equal Protection
Executive

Faction
Fascism
Federalism
Foreign Affairs
  Alien
  Emigration
  Immigration
Function
Functional Representation

Government Corporations
Government Ownership
Government Regulation
Grants-in-aid

Hierarchy

Industry
Insecurity
Integration
International Government
International Organization
International Relations
Interpretation
Judicial Process
Judicial Review
Judiciary
  Courts
Jurisdiction or Competency

Labor
Law
  Administrative
  Admiralty
  Common
  Constitutional
  International
  Natural
Law Enforcement
  See Public Safety
Leadership
  Boss Rule
League of Nations
Legislation
Legislative Branch
Legislature
Liberalism
Local Government
  Municipal
  Rural
  State

Majority
Matériel Administration
Mercantilism
Minority
Monetary Policy
Monopoly
Multi-Party System

Nationalism
National Policy
National Socialism
Natural Resources
Navy
  Admiralty

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Neutrality
Nominations

Ordinance

Pacifism
Parliament
  Parliamentarism
Parties
Paternalism
Peace
PersonnelAdministration
Planning
Platforms
Plebiscite
Police Power
Precedent or Custom
Prerogative
President
Press
Pressure Groups
  Lobbying
Primary
Prime Minister
Privilege
Procedure, Legislative
Promotion
Propaganda
Proportional Representation
Publicity
Public Interest
Public Opinion
Public Safety
  Law Enforcement
  Police
Public Welfare
Purchasing

Radicalism
Regionalism
Removal
Representation
Representative Assemblies
Responsibility
  Administrative
  Electoral
  Political
  Religious
Revolution
Rules and Regulations

Sanctions
  Administrative
  Economic
  Judicial
  Military
  Political
  Religious
  Secular
Secretariat
Separation of Powers
Socialism
Sovereignty
State, Theories of

Tariff
Taxation
Tenure
Territorial Expansion
  Annexation
Trade Associations
Treaties

Unicameralism

Vote or Ballot

War
  Civil
  Foreign

CARL J. FRIEDRICH AND MARY C. TRACKETT.
Harvard University.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Professor Harold J. Laski, of the London School of Economics and Political Science, visited the United States briefly during the spring, primarily to deliver lectures at the New School for Social Research, and also a Bronson Cutting Memorial lecture in Washington.

Professor Frederick L. Schuman has resigned his position at the University of Chicago and has accepted a permanent appointment as full professor at Williams College.

Professor Patterson H. French, of Union College, has been appointed assistant professor of government at Yale University.

At Cornell University, Dr. H. W. Briggs has been advanced from assistant professor of government to the rank of full professor.

Professor Rupert Emerson, of Harvard University, will be visiting lecturer in international relations in the department of government at Yale University during the year 1937–38, in place of Professor Nicholas J. Spykman, who will be on leave of absence.

At Dartmouth College, Drs. Hugh L. Elsbree and Harold J. Tobin have been advanced to full professorships.

Professor John M. Gaus, of the University of Wisconsin, served as visiting professor of political science at the University of Chicago during the spring quarter, without however relinquishing his work at Wisconsin.

Professor Harold F. Gosnell, of the University of Chicago, is out of residence for six months and has been appointed to the staff of the National Resources Committee for that period of time.

Professor Walter Laves, formerly of Hamilton College, but now Middle Western secretary of the League of Nations Association, acted as visiting professor of political science at the University of Chicago during the winter and spring quarters.

Dr. Heinrich Bruening, German chancellor from 1930 to 1932, has received an appointment to the faculty of Harvard University. He will lecture on government, and will also serve as a tutor in the division of history, economics, and government. One of his courses will deal with international economic policies.

During the spring, Professor Graham H. Stuart, of Stanford University, delivered a series of lectures at the École de Hautes Études Internationales, Geneva, on American foreign policy.

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Professor W. Brooke Graves, of Temple University, will teach at the University of Texas during the second half of the coming summer quarter.

Mr. August Vollmer, professor of police administration at the University of California since 1931, is retiring at the close of the academic year and will henceforth devote his time to writing.

Professor William E. Mosher, director of the School of Citizenship and Public Affairs at Syracuse University, is lecturing on personnel at the Institute of Government at the University of Southern California in June of the present year.

Drs. Lewis Meriam and F. F. Blachly, of the Institute for Government Research, Brookings Institution, will give courses in public administration during the coming summer at the University of Chicago and Northwestern University, respectively.

The Edward Douglas White lectures on citizenship were given at Louisiana State University on April 19–20 by Professor Thomas Reed Powell of the Harvard Law School, whose subjects were: "Charted Course and Political Currents," "The Aristocracy of the Robe," and "Some Contemporary Issues."

Professor William S. Carpenter, of Princeton University, has been appointed a member of the New Jersey State Planning Board. He will work during most of the coming summer on the Princeton Local Government Survey, which is now approaching completion.

Professor O. Douglas Weeks, of the University of Texas, will teach in the coming summer session of the University of Arkansas.

Miss Dorothy Schaffter, of Vassar College, is giving instruction in New York University's summer session in housing, community planning, and low-rental housing management, and after the close of the session will serve as one of three leaders of a tour planned for the study of housing in England, Sweden, Norway, Holland, Belgium, and the region of Greater Paris.

Dr. Henry M. Alexander, of the State Teachers College at Maryville, Missouri, has accepted an associate professorship of history and political science at the University of Arkansas and will conduct courses in government, beginning next September.

Dr. William O. Farber has resigned his assistant professorship at the University of South Dakota to accept the chairmanship of the department of political science at the North Dakota Agricultural College.

Mr. Barrett Hollister, assistant at Syracuse University, has been ap-

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pointed instructor in political science at Antioch College for the year 1937–38.

Dr. John B. Rae, junior staff member of the Institute for Government Research, Brookings Institution, has accepted an appointment as administrative assistant to the president of Brown University.

Professor Alden L. Powell, of Louisiana State University, was elected chairman of the government section of the Southwestern Social Science Association at the annual convention held at Dallas, Texas, March 26–27, succeeding Professor William L. Bradshaw, of the University of Missouri.

Dr. Estal Sparlin has been promoted from assistant instructor to instructor at the University of Missouri for the 1937 summer session. He has been engaged upon an analysis of the finances of Reynolds county, Missouri, for the U. S. Resettlement Administration.

Professor Karl F. Geiser, who some time ago retired from active service at Oberlin College, is at present in Berlin, where he has lately translated a volume by Professor Sombart to be brought out by the Princeton University Press under the title of *A New Social Philosophy*. Last November, he gave the "Guest Lectures" in the Berlin Hochschule für Politik, and he has lectured at other universities as well. During the next two years, he expects to be engaged primarily upon an abridgment and translation of Sombart's *Der Moderne Kapitalismus*.

Guggenheim fellowships for 1937–38 have been awarded to Professor Harwood L. Childs, of Princeton University, for an historical study of labor and capital in German politics and Professor Ralph D. Casey, of the University of Minnesota, for a study of political party propaganda campaigns, the symbols that are current in electoral campaigns, and the agencies and channels through which effective symbols flow with the greatest success.

During the second semester of the past academic year, Dr. Kenneth P. Vinsel, of the University of Louisville, acted as head of the department of public welfare in the city administration. While Dr. Vinsel was on leave from the University, his place as department head was filled by Dr. Francis O. Wilcox, assistant professor of political science. Dr. Wilcox has been awarded a scholarship by the Carnegie Foundation for International Peace for study at the Academy of International Law at The Hague during the coming summer.

Undergraduates of Harvard College have launched a monthly magazine, *The Guardian*, devoted to history, government, and economics, with George S. Viereck, Jr., as managing editor. Faculty advisers include Professors Arthur N. Holcombe and Carl J. Friedrich, and already a

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considerable circulation has been built up. The experiment will be watched with interest in academic circles.

Ground was broken on March 15 for the $650,000 public administration center on the University of Chicago campus made possible by a grant from the Spellman Fund. The building will house the dozen or more organizations now quartered in the structure at 850 East 58th St.

The Conference on Jewish Relations is offering a prize of $1,000 for the best essay contributing substantially to existing knowledge of the occupational distribution of Jews in the United States, and submitted on or before April 30, 1938. Information concerning the contest may be obtained from Professor Morris R. Cohen, 854 West 181st St., New York City.

The U. S. Department of State announced in March that objections raised by various governments have made it necessary to postpone indefinitely the publication of a number of volumes of diplomatic correspondence already prepared and designed to shorten the gap between volumes already issued and the present. Volumes dealing with Russo-American affairs in 1919 and with general international affairs in 1922 are, however, to be released shortly.

Among speakers participating in the fourth anniversary celebration of the Graduate Faculty of Political and Social Science, held at the New School for Social Research, New York City, on April 13–15, were Professors Max Ascoli of the Graduate Faculty, Harold D. Lasswell of the University of Chicago, Alvin Johnson of the New School, John Dewey of Columbia University, and Dean Lloyd K. Garrison of the University of Wisconsin.

The Bureau of Public Administration of the University of California has undertaken the preparation of a guide to the materials on regional, county, township, and district administration in the United States from 1915 to 1936 inclusive. The study, edited by Dorothy Campbell Culver, will be issued in November under the title of *Administrative Areas in the United States: A Bibliography.*

A John Anisfield award of $1,000, for the best book on racial relations published between August 1, 1936, and December 31, 1937, is announced, together with a $500 grant-in-aid for assistance in the completion of a study in race relations during 1937–38. Communications concerning the contest should be addressed to Mr. Henry S. Canby, 25 West 45th St., New York City.

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The 1937 edition of the Political Science Personnel Service has been distributed to a number of administrative officers and heads of departments in colleges and universities, as well as to government officials and bureaus. This Service contains the records of one hundred and forty-six doctors of philosophy and graduate students who are qualified to teach or carry on research in the field of political science or to receive government posts here or abroad. Some of them have already accepted appointments and will not be immediately available unless released, and some hold positions at the present time but will consider positions that represent a promotion. Others with excellent records are seeking immediate locations. The Service is furnished free of charge to officers and institutions upon application to the Secretary-Treasurer, 305 Harris Hall, Northwestern University, Evanston, Illinois.

Continuing the policy long ago established by Dr. Charles A. Beard while he was director of the New York Bureau of Municipal Research, Columbia University maintains an undergraduate seminar on government conducted jointly by the staff of the department of public law of Columbia College under the direction of Professor Joseph McGoldrick and the members of the Institute of Public Administration under the leadership of Professor Luther Gulick. The personnel and library facilities of two independent sections of the University are thus made available for the study of a common problem. The topic dealt with during the past semester was the administrative problems created by the recently adopted New York City charter; and Dr. Robert H. Connery acted as general chairman.

On December 30, 1936, there was organized at Providence, R. I., a Society of American Archivists, whose objects are "to promote sound principles of archival economy and to facilitate coöperation among archivists and archival agencies." Membership is "individual" or "institutional," the former "restricted to those who are or have been engaged in the custody or administration of archives or historical manuscripts or who, because of special experience or other qualifications, are recognized as competent in archival economy;" and institutional membership is "restricted to institutions or agencies that have the custody of archives or historical manuscripts." All members are elected "by a majority vote of the full membership of the council," composed of five councillors and the four officers of the Society. Dr. A. R. Newsome, of the University of North Carolina, is president, and Dr. Philip Brooks, of the National Archives, secretary.

The ninth annual meeting of the Canadian Political Science Association, held at McMaster University, Hamilton, Ontario, on May 24–25,

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was devoted very largely to discussion of topics of an economic nature. The meeting closed with an address by Professor W. A. Mackintosh, president of the Association. The Canadian Political Science Association was founded in 1913 and reorganized in 1929. The secretary-treasurer is Mr. V. W. Bladen, 273 Bloor Street, W., Toronto, Ontario.

Among principal addresses delivered at a conference on "Peace or War?" held at the University of Minnesota, April 7–9, were those of Professors William Y. Elliott, of Harvard University, on "National Ideas in Conflict," Peter Odegard, of Ohio State University, on "War Propaganda and Public Opinion," Pitman B. Potter, of the Graduate Institute of International Studies, Geneva, Switzerland, on "The League of Nations Today," David Bryn-Jones, of Carleton College, on "Can National Economic Policies Be Reconciled?," together with addresses by Professors Harold S. Deutsch, of the University of Minnesota, and Harley F. MacNair, of the University of Chicago, on national policies in conflict, in Europe and in the Far East, respectively. The addresses given at the conference will be published by the University of Minnesota Press as a pamphlet in the Day and Hour Series.

The thirty-first annual meeting of the American Society of International Law was held in Washington, April 29 to May 1. The presidential address of Dr. James Brown Scott took the form of a tribute to the late Elihu Root and an appraisal of his services in international affairs. Other principal addresses included: "The Inter-American Conference for the Maintenance of Peace," Charles G. Fenwick, Bryn Mawr College; "Constitutional Procedures for International Agreement," Charles Cheney Hyde, Columbia University; "The Effect of Governmental Controls on Neutral Duties," Lawrence Preuss, University of Michigan; "Recognition of Insurgency and Belligerency," Robert R. Wilson, Duke University; and "Insurgency and Maritime Law," Fred K. Nielsen, former solicitor, Department of State. Among those who spoke at the annual banquet were Professor Percy E. Corbett, of McGill University, and Senator David I. Walsh, chairman of the Senate Naval Affairs Committee.

The semi-annual meeting of the Academy of Political Science held at the Hotel Astor, New York City, on April 7 was devoted to the general subject of "The Foreign Policy of the United States—Political and Economic." Principal addresses included: "Democracy and Other World Forces," William R. Castle, former under-secretary of state; "Mechanism for Peace in Europe," James T. Shotwell, Columbia University; "Results of the South American Conference," Sumner Welles, assistant secretary of state; "The Policy of Neutrality," Senator Key Pittman; and "The Hull Agreements and International Trade," Francis B. Sayre, assistant secretary of state.

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Under the joint auspices of the Carnegie Endowment for International Peace and the Arnold Foundation of Southern Methodist University, an Institute of Public Affairs devoted to the general subject of "International Institutions and World Peace" was held at Dallas, Texas, April 26–30. Among the leading addresses were: "The International Community and Its League System," Robert R. Wilson, Duke University; "International Law and World Order," Montell E. Ogden, Texas Technological College; "The Rôle of International Administration," S. D. Myres, Jr., Southern Methodist University; "The Process of International Settlement," Charles A. Timm, University of Texas; "The League and International Disputes," Royden J. Dangerfield, University of Oklahoma; "The Inter-American Peace Machinery," J. Lloyd Mecham, University of Texas; and "Our New Pan-American Policy," Francis B. Sayre, assistant secretary of state. In connection with the Institute, numerous "campus addresses" were given at Southern Methodist University, Texas Christian University, Trinity University, the Texas State College for Women, and Hockaday Junior College.

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Grey of Fallodon; The Life and Letters of Sir Edward Grey, Afterwards Viscount Grey of Fallodon. By GEORGE MACAULAY TREVELYAN. (Boston: Houghton Mifflin Company. 1937. Pp. xiii, 447.)

This is an admirably written biography of one of the outstanding figures in the history of Great Britain immediately preceding and during the World War—a history the course of which he himself did much to shape. The author is a well known historian who was an intimate friend of Grey during his life-time and was selected by Grey to be his biographer. At Grey's request, he devoted particular attention to his private life as revealed in his numerous letters to his first wife. The biography therefore deals not only with Grey as a statesman and director of the foreign policy of Great Britain during its most critical years, but also with that other unique personality which he possessed as a lover of nature, a fisherman, bicyclist, breeder of ducks, and gardener on his Northumberland estate, which he passionately loved and where during his busiest years he spent such time as he could snatch away from the Foreign Office in London. It is interesting in this connection to note that apparently the only suggestion he had to make regarding the Treaty of Versailles was that Heligoland should be made a bird sanctuary and placed under international protection. The quiet life of a country gentleman always appealed to Grey far more than politics, and more than once during his absorbing political preoccupations at the Foreign Office he expressed the wish that a fall of the Cabinet or the results of an election might release him in order that he might return to his beloved countryside where his heart really lay.

Like so many other English statesmen, Grey was educated at Oxford; although his record as a student was nothing to boast of, for we are told that in 1884 he was "sent down for incorrigible idleness" after repeated admonitions. However, forty-four years later (1928) he was elected Chancellor of the University "with universal applause."

He was chosen to the House of Commons in 1885 at the age of twenty-three, and was continuously reëlected by his faithful constituents for more than thirty years. From 1892 to 1895, he served as Parliamentary Under-Secretary of state for Foreign Affairs under Lord Rosebery, and in December, 1905, he became Secretary of State for Foreign Affairs in succession to Lord Lansdowne—a post which he held for eleven years—"years of agony such as none of his predecessors since Castlereagh had had to face." Among the more important problems with which he was called upon to deal were the Persian question, relations with France, the Moroccan crisis, the Bosnian affair, the renewal of the Japanese Alliance.

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the Balkan wars, and finally the outbreak of the World War. His biographer insists that it was Grey's wish to maintain friendship with Germany and that he had no desire to "encircle" her. If in fact Germany got herself into a situation in which she was encircled, it was due to her own action and was not a result of British policy. Had Germany consistently supported him in the work of pacification in Eastern Europe, the World War would have been postponed and possibly averted. It was her policy that led to the ultimatum to Serbia in 1914 and the outbreak of the war. Near the end of the war, Grey wrote: "I used to torture myself by questioning whether by mere foresight or wisdom I could have prevented the war, but I have come to think that no human individual could have prevented it. Nothing could have prevented it except a change of the Prussian nature."

Mr. Trevelyan's evaluation of Grey's foreign policy is, of course, sympathetic, although he is not blind to some mistakes which Grey made nor to certain weaknesses in his policy. He defends Grey against the criticism of Lloyd George that his point of view was insular, that he knew little of foreigners, that he never travelled, that Northumberland was good enough for him, etc., and he retorts that the little Welshman was none the less provincial although he "usurped" the conduct of foreign affairs from that "most travelled and instructed" of Foreign Secretaries, Lord Curzon. Grey, he says, did his best to preserve the peace of Europe; he valued especially the friendship of the United States, and sought in every way to strengthen it; he endeavored also to gain the friendship of France and Russia; but he refused to convert the entente with France into an alliance because he knew his colleagues in the Liberal party would not follow him. The criticism of his policy of authorizing military conversations between the British and the Belgian and French army chiefs and the Haldane army reforms to which they led was not justified, Mr. Trevelyan thinks, because without them the British expeditionary forces would not have reached France in time to prevent the capture of Paris by the Germans. Grey's only error in this connection lay in his failure to inform the cabinet of the military conversations in advance. But for this the Prime Minister, Campbell-Bannerman, who knew of them, was more responsible than he.

Adverting to the searchlight that has been thrown upon Grey's every act by the publication and critical examination of all the relative documents, his biographer says: "No British statesman has ever before been subjected to such a test, and few indeed could have borne it. The wonder is, not that faults have been found, but that his reputation has been so little scathed. The principles which were the pillars of his policy still challenge refutation. They failed indeed to keep the peace in the end; but they kept it for nine years, and they secured that Britain entered the war with powerful allies and with a fair name among neutrals on both sides

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of the Atlantic. Where he failed no one could have succeeded; where he succeeded many would have failed."

In Grey's policy during the war, his biographer finds little to criticize. For the conclusion of the secret treaty of London in April, 1915, in which promises of territory were made to Italy as the price of her entry into the war on the side of the Allies, Grey has been much blamed. "But," says Mr. Trevelyan, "if he had refused Sonnino's demands and the war had been lost, what would men say of him now?"

Grey's poor health and increasing blindness as the years passed rendered impossible the continued performance of his heavy duties at the Foreign Office, and in December, 1916, he resigned, his qualms of conscience being lightened by the thought that his work would be carried on by Balfour and Robert Cecil. His long-hoped-for release having come, he now returned to his birds, which he could no longer see, and to his books, which he could no longer read. Under this affliction, he lived on for seventeen years. As if blindness were not enough, there followed a series of domestic tragedies in his life—the burning of Fallodon and his cottage on the Itchen, the conclusion of a treaty of peace which he regarded as unfortunate, and the repudiation by the United States of the League of Nations on which his heart had been set from the first, and which he regarded as the one hope of the world. But these and other disappointments and afflictions which came to him "never broke his courage or soured his serene and constant spirit."

JAMES W. GARNER.

University of Illinois.

The King and His Dominion Governors: A Study of the Reserve Powers of the Crown in Great Britain and the Dominions. By H. V. EVATT. (London: Oxford University Press. 1936. Pp. xvi, 324.)

This volume by Mr. Justice Evatt of the High Court of Australia is concerned with the personal discretion of the monarch (or his representative, the governor, in the Dominions), especially in such matters as refusing a dissolution of Parliament and dissolving Parliament on his own initiative. A number of incidents, mostly from the history of the Dominions and especially Australia, are acutely examined, and various authorities, notably Professor A. B. Keith, are taken to task for their easy generalizations on the subject. The conclusion reached is that many so-called precedents have no validity because decisions have often been arrived at in a haphazard manner, that the precedents are in many respects contradictory, and that there is no clear line of principle defining the limits of the monarch's personal discretion or the manner of its exercise. The author regards this situation as highly undesirable, and even dangerous.

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He proposes that the reserved powers be carefully defined by statute, a method which would throw upon the courts the duty of deciding in a crisis where the bounds of personal discretion actually lay.

That there is obscurity in the present situation was shown all too plainly in the recent constitutional crisis resulting in the abdication of Edward VIII. But it may well be doubted whether statutory definition would solve the problem, which is probably inherent in a constitutional monarchy. The problem of definition, given its desirability, would in any case be difficult—Mr. Justice Evatt does not attempt a solution of it. There is, moreover, some reason to doubt whether the precedents are as contradictory and the subject as muddled as the author concludes. His approach is that of the lawyer, rather than that of the historian. It may be doubted whether incidents drawn from Australian states or Canadian provinces, or even from the federal governments of Australia and Canada, could be considered valid precedents for the action of the king towards his ministers in Great Britain. Historically, the monarch has occupied a different position vis-a-vis his ministers than has his representative, the governor-general of a dominion, towards his ministers. It would appear also that, historically, the lieutenant-governor of Australian states and Canadian provinces has exercised even more personal discretion than has the governor-general. It may well be doubted whether recent constitutional developments have completely altered these historical differences, and whether the same principles (if any principles exist) are, or ought to be, applicable at Westminster and at dominion and provincial capitals.

The volume, none the less, is a valuable critical study of one of the dark corners of the constitution.

ROBERT A. MACKAY.

Dalhousie University.

The Political Philosophy of Hobbes; Its Basis and Its Genesis. BY LEO STRAUSS. (Oxford: The Clarendon Press. 1936. Pp. xviii, 172.)

The author of this little volume is a German scholar now living in England, and the work is a translation from the German manuscript by Dr. Elsa M. Sinclair. Dr. Strauss is a student of Jewish thought and has already published a study of Spinoza's methods of biblical criticism. In fact, it was the study of Spinoza, apparently, that led to the study here under review. As Professor Ernest Barker points out in his foreword, there is "not only a parallel between the attitude of Spinoza to tradition and that of Hobbes;" there is also "the fact that Spinoza had used, if he had not entirely adopted, the moral and political philosophy of Hobbes."

The genetic method is used. There are chapters on "The Moral Basis," "Aristotelianism," "Aristocratic Virtue," "The State and Religion."

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"History," "The New Morality," and "The New Political Science." There is also a preface in which the author states his aims rather fully.

Dr. Strauss holds that while the most important and most characteristic assertions of Hobbes are contradicted either directly or by the denial of their obvious consequences somewhere in his works, his fundamental view of human life is "not contradictory, but one and indivisible." Moreover, it is this view which is the real basis of his political philosophy—a view, Dr. Strauss contends, which "has its origin not so much in any learned or scientific preoccupation, but in actual experience of how men behave in daily life."

The moral attitude of Hobbes directs from the beginning five processes, and his political philosophy "is nothing more than the homogeneous connexion between the final stages" of these movements. The first of these is the movement away from the idea of monarchy as the most natural form of state to the idea of monarchy as the most perfect artificial state. The second is the movement away from the recognition of natural obligation as the basis of morality, law, and the state to the deduction of morality, law, and the state from a natural *claim* or right, and thus to the denial of every natural obligation. The third is the movement away from the recognition of a superhuman authority to a recognition of the exclusively human authority of the state. The fourth movement is away from the study of past and present states to the free construction of the future state. The fifth movement is away from honor as principle to fear of violent death as principle.

The Hobbes papers in the library of the Duke of Devonshire at Chatsworth have been examined. The book is carefully documented and indicates competent scholarship throughout.

E. Allen Helms.

Ohio State University.

History of Political Thought in Germany from 1789 to 1815. By Reinhold Aris. With a Foreword by Dr. G. P. Gooch. (London: George Allen and Unwin. 1936. Pp. 414.)

Dr. Gooch, in his foreword, calls this book admirable, learned, thoughtful, and clear; and most of its readers will find his eulogy not exaggerated. The ultimate purpose of the author is to give the essential features of political thought in Germany from the French Revolution to the beginning of the World War in 1914. The present volume analyzes three fundamental phases of the period from 1789 to 1815: first, the repercussions of the Enlightenment and the French Revolution; second, the Romantic movement; and third, the reconstruction of Prussia and the beginnings of the growth of the movement for national unification.

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Dr. Aris has performed this task in a truly historical spirit, that is, he has done far more than analyze and dissect political theories; he has ably selected the really representative thinkers of the period and has shown those economic, social, and moral forces in which their ideas were rooted and the impetus which their creative minds have given to the efforts of the future. From this point of view, he has dealt not only with philosophers and political thinkers in the proper sense but also with great poets, such as Goethe and Schiller, and the mystic, Novalis, and influential publicists like Gentz and Görres, highly characteristic exponents of the *Zeitgeist*, although without a complete system of political thought.

The ambition of the author seems to be even broader than this. Several times he draws the attention of his readers to the remarkable analogy between many aspects of the historic German thought and the doctrines of present-day National Socialism. In a time when many scholars and writers are inclined to treat present-day Germany exclusively in terms of social pathology, and when "half-baked" Freudian slogans and inferiority complexes serve as final explanations, it is extremely important to see that almost all the elements of the Nazi ideology (the cult of the will, of the race, of the soil, of the unconscious, the idea of leadership and authority, the rejection of the values of Western democracy, the tendency to return to the past in the form of the corporative state, the vehement antipathy to the Jews, etc.) can be found clearly stated and hailed by influential currents of public opinion in the romantic and nationalistic tendencies of these early decades. One almost has the impression in regard to the historical picture of Dr. Aris as a whole that the liberalism of Kant, the early Jacobinism of Fichte, and Humboldt's attachment to liberty are isolated phenomena in a sea of emotionalism and authoritarianism.

Space forbids a detailed treatment of the many acute observations of Dr. Aris and of his vivid picture of Germany in the time of the French Revolution: the hopeless division into three hundred states, the suffocating atmosphere of absolutism, the absence of a conscious middle class, the utterly metaphysical and moralizing tendency of her political philosophers, the pathetic intimidation of her professors by the governments of the princes, the non-existence of political parties, the slow growth of the national idea in a community where the idea of the state was almost lacking, the formative influence of Burke on the united front against the French Revolution, and many other keen characterizations of the German political situation.

The whole work shows great objectivity and originality. In addition to some minor points of difference, the reviewer has only one objection of principle, and this is that the author is inclined to over-emphasize the class motive in the political thought of the period, and that any deeper

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metaphysical or moral foundation for theories appears to him to be due to a lack of understanding of the actual political and economic forces. This attitude causes him to be unjust in failing fully to realize the significance of Kant and in inadequate appreciation of more than relative political values.

The author has intentionally omitted the philosophy of Hegel because his real political system came to its maturity after the Napoleonic wars. Therefore, the philosopher of the State and the World Spirit will be the central figure of the second volume, which we have every reason to anticipate with great interest and pleasure.

OSCAR JÁSZI.

Oberlin College.

The Political Doctrines of Sun Yat-sen; An Exposition of the San Min Chu I. BY PAUL MYRON ANTHONY LINEBARGER. (Baltimore: The Johns Hopkins Press. 1937. Pp. xiv, 278.)

Here is a book which will be useful to students of political theory as well as to those primarily interested in the development of modern China. The greater part of Sun Yat-sen's writing is now available in English, but there has been until now no serious attempt, in any Western language, to provide a general exposition of the political theories upon which the great revolutionary laid the foundations of the Nationalist government. The present work is calculated to fill that gap. Basing his study upon the *San Min Chu I*, Dr. Linebarger realized that the sixteen hastily organized lectures of which that book is composed, although understandable to those already familiar with Sun Yat-sen's social and political views, are far from being self-explanatory. Accordingly, he has turned to other writings of Sun and his associates, to the history and institutions of Imperial China, and to the teachings of Confucian philosophy for material which will serve to complete and clarify the roughly outlined program contained therein.

After an enlightening first chapter dealing with "The Ideological, Social, and Political Background," the author embarks upon a detailed consideration of the "three principles" which are set forth in the *San Min Chu I: min tsu*, the principle of nationalism; *min ch'üan*, the principle of democracy; and *min shêng*, which he leaves untranslated but which is usually rendered as the principle of the people's livelihood. In Chapters II–IV, discussing the three principles as theories, Dr. Linebarger raises and answers a number of questions concerning Sun Yat-sen as a political theorist: the sources of his ideas, his reasons for regarding these points as essential to the continued existence of a Chinese state, and the process whereby he hoped to see them incorporated into the national ideology.

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In his last three chapters (V–VII), the author turns from Sun Yat-sen the theorist to Sun Yat-sen the political leader, and his discussion deals with the definite programs found in the *San Min Chu I* for national unification, for the establishment of democratic institutions, and for insuring to the Chinese people the basis of a more adequate livelihood. In these three chapters, we find the programs of nationalism—political, economic, and cultural; the programs of democracy, with the three stages of military operations, political tutelage, and constitutional government; the programs of the people's livelihood, which were to involve economic, industrial, and social revolutions.

Modestly confessing that his own inadequate knowledge of the Chinese written language made him dependent upon Western translations for most of his source material, Dr. Linebarger does not offer his work as a contribution in the field of sinology. But, although he has not translated for us the basic Chinese texts to which he refers, he has accomplished a task equally important and perhaps no less difficult, for he has certainly made more understandable to non-sinologues of the West the ideology of modern China and the significance of Sun Yat-sen as a political theorist.

G. Nye Steiger.

Simmons College.

Modern Politics and Administration. By Marshall E. Dimock. (New York: American Book Company. 1937. Pp. xiii, 425.)

Every political scientist worthy of the name cherishes the dream of some day writing a comprehensive book on the philosophy and practice of government. For most, this commendable ambition never takes definite form. It remains a sort of Socratic dæmon which, although it eludes his grasp, profoundly influences the political scientist's attitude toward the works of others. He knows, or at least feels, what should be done; but the path leading to the perfect synthesis is beset with obstacles which only the genius of an Aristotle, a Machiavelli, a Bentham, or a Rousseau can overcome. The names of those who have tried and failed are legion. For some, the painfully pedestrian task of relating their dreams to the facts of a real world has been intolerable and impossible. Others have their vision clouded by preoccupation with the minutiæ of practical affairs. To retain one's vision without losing contact with reality is the mark of genius.

Professor Dimock has failed to attain this high goal, but his awareness of the problem, his capacity for simple and lucid statement, and the wealth of material with which he deals place his book among the more successful of those which have made the attempt. I know of no other work written for the undergraduate mind that achieves the same measure

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of success. As an introduction to the problems of government in the modern world, it is excellent. Beginning with Professor Goodnow's distinction between Politics and Administration, he clothes this concept with the vestments of actual practice and experience. The student cannot fail to see, if he reads with insight and understanding, that political science is something less than a divine mystery and something more than the counting of noses or man-hole covers. No other phrase in the lingo of our profession has been more misused than "functional approach." Much of what is described as "functional" in government is no more so than a medieval turret on a New England farmhouse. This criticism cannot fairly be made of Professor Dimock.

The proper "functions" of government can be appraised accurately only in light of the demands which men make upon the state. These demands vary with time and circumstance, and this fact is made abundantly clear in this book. The problems and processes of representation, of legislation and administration, of public service and control, are here properly projected against the background of modern technology and industrialism. Most of the data are taken from American experience, but enough is said of European conditions to convince the student that our problems are not wholly unique.

One can find plenty to quarrel with. Many vital psychological and theoretical assumptions are made without careful examination and without revealing that the author is aware of their logical implications. But the underlying thesis that in a democratic society "the touchstone of all policies is the provision of conditions which will make the 'good life' possible for people generally" is, I believe, incontestable.

PETER H. ODEGARD.

Ohio State University.

Coördination and Planning in the Local Authority. By HARRY R. PAGE. (Manchester: Manchester University Press. 1936. Pp. xvii, 427.)

As a result of the current revival of interest in local government in England, a number of studies are appearing which examine in a commendably realistic manner the modern functioning of local government institutions in that country. The one under review, by a member of the English local civil service, directs special attention to the fundamental problem of providing effective popular control over a rapidly expanding sphere of local government action.

This task, the author recognizes, is a primary concern of the local elective body, where responsibility rests for both the determination and the execution of local policy. An extended analysis of selected local units shows that the local authorities generally are still resorting to traditional methods of operation, which under modern conditions are inadequate to

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the efficient performance of governmental duties. In the exercise of its deliberative function, the county or the county borough council is continually handicapped by the presence of a wholly disorganized, uncoördinated committee system. There are far too many committees; most committees are too large for effective work; and there are numerous instances of overlapping jurisdiction that gives rise to inter-committee jealousies, petty wrangling, and much general confusion. The consequence is that the council, instead of devoting its attention to questions of policy, must spend most of its time ironing out committee disputes and deciding an endless number of detailed problems which need never have come before it. At the same time, the council is unable to maintain proper control over administration, principally because there is no provision for centralized administrative management of the civil service staff. The town clerk is not trained, nor does he attempt, to perform the duties of a general administrator.

To remedy these conditions, the author advocates several reforms, the most important being: (1) a reorganization of the committee system with a view toward the reduction in number and size of the committees; (2) the creation of a general planning committee with authority to plan and coördinate the work of the regular committees, and to advise the council on all matters of general policy; and (3) the selection of a trained administrative officer to act as general advisor to the council and the permanent staff on all administrative matters. Of these proposals, only the third may be questioned seriously. It is difficult to see how centralized management and direction of administration can be achieved through a so-called general administrator whose administrative authority consists solely in offering advice to the civil servants.

On the basis of a wholly inadequate knowledge of American experience (Cleveland, it seems, still has a city-manager!), Mr. Page sees fit to reject the city-manager type of administrator as unsuited to the needs of English municipalities. A more thorough analysis might have led to a different conclusion. This defect, however, does not materially lessen the actual value of the book. On the whole, the study sheds much light upon a problem the solution of which will immeasurably strengthen the process of local self-government.

PAUL T. STAFFORD.

Princeton University.

State Grants-in-Aid. By RUSSELL JOHN HINCKLEY. State of New York, Special Report of the State Tax Commission, No. 9. (Albany, N. Y.: J. B. Lyon Company. 1935. Pp. 221.)

This is the first fairly comprehensive study of grants-in-aid by American states to local governments, and as such it will have a wide useful-

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ness. While the center of interest is the problem of state aid in New York, a considerable amount of comparative material from other states is introduced, and even a little from England. The chapters on state aid for education (III), highways (IV), and health and welfare (V) contain much data of value, while the introductory and concluding chapters suggest the various relations between state aid, on the one hand, and diverse problems of taxation, local government areas and organization, state supervision of local government, centralization, allocation of functions, and the reorganization of local government in general.

It is true, as the author says, that "a thoroughgoing examination of state grants-in-aid brings one into contact with most of the problems of state and local relations." It was a mistake, however, to attempt to cover all these relations and the whole field of local reorganization in one short report. Had the study been limited to the subject of state aid, and had it been based on a thorough first-hand investigation in several states, it would have been far stronger and more useful.

As it stands, the report would be more correctly entitled "Some Financial Aspects of State Grants-in-Aid, and the Reorganization of Local Government." It tells us very little about the legal, administrative, and political problems involved in a state-aid system—problems that are intimately bound up with the fiscal problem; but it does spread out very broadly into other fields, such as the size and adequacy of local government units, and the controversy over local self-government and centralization. In the latter regions, the author was not at home and had to content himself with piecing together the few things that he had time to read. These furnish a very inadequate foundation for the generalizations he made from them.

With the author's general thesis one can hardly disagree. That thesis is that state grants-in-aid, introduced as a means of equalizing tax burdens and of raising the standards of service in certain functions of statewide concern, should not become props for supporting weak and inefficient local governments. To test out the several parts of that thesis, many thorough state and local studies will have to be made. It will probably be a long time before a definitive comparative study of state grants-in-aid can be written.

WILLIAM ANDERSON.

University of Minnesota.

Reciprocity; A National Policy for Foreign Trade. By WILLIAM S. CULBERTSON. (New York: McGraw-Hill Book Company. 1937. Pp. x, 298.)

Holding radically different conceptions of principles and methods for conducting foreign trade, men and nations are locked in a battle of ideas no less bitterly fought—because the weapons are reason, invective, and

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economic sanctions—than are battles engaging the physical might of the contestants.

As former vice-chairman of the U. S. Tariff Commission, Mr. Culbertson enters the fray with the formidable weapon of broad knowledge gained from intimate experience with world trade problems. He states exactly where he stands: he is for the Hull reciprocal trade policy, and his book is an argument in its behalf. Using a brief foreign trade primer to show how trade barriers, which broke down the pre-war trading system, are understandable but fundamentally wrong, he prepares the way for his major thesis. "We have become a world state . . . Our overseas expansion will go on whether we like it or not . . . Our production, our finance, and our trade then must operate on a world stage. If they are confined within our political frontiers by a narrow nationalism, no amount of governmental regulation and of governmental generosity will bring real prosperity . . . I have become convinced that we cannot possibly pay out nationally except through a tremendous revival in foreign trade, both imports and exports, which in turn will stimulate and enlarge domestic trade and enterprise." This is precisely what Charles A. Beard calls "historic internationalism" and critically rejects as a way out of America's economic dilemma.[1] A comparison of the two books reveals the head-on clash of economic philosophies.

Discarding argument for exposition, Mr. Culbertson shows how the fundamentals of scientific tariff-making finally came as a by-product of the tariff football game played for years by politics. It came in three stages: the compilation of original data starting with the 1909 Taft Tariff Board, the flexible provision of the 1922 Tariff Act, and the Trade Agreements Act of 1934 enacted by Democrats but fathered historically by Republicans. The volume then describes the method and machinery for tariff-making, the means by which concessions are generalized through the unconditional most-favored-nation clause, the penalty weapon protecting American trade against foreign discrimination, the conditions required for negotiation, the advantages gained to date, and the legal aspects of the act. Closing the book are suggestions for a permanent foreign trade policy aimed to preserve the general purpose of the 1934 act, but designed to enlarge and improve it.

GEORGE H. E. SMITH.

Yale University.

Survey of International Affairs, 1935. By ARNOLD J. TOYNBEE, assisted by V. M. BOULTER. (London: Oxford University Press and Humphrey Milford. 1936. Two vols. Pp. ix, 455; xi, 568.)

These volumes, published under the auspices of the Royal Institute of International Affairs, are a continuation of the annual surveys begun by

[1] *The Open Door at Home*, Chap. 6, p. 112ff.

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Professor Toynbee in 1924. The unusual importance of the events of 1935 is indicated by the publication of two volumes, which has not been necessary for any other year except 1925, when two volumes were also published (that being the Locarno year).

The first of the volumes for 1935 deals with the more general international events, classified with reference to Europe, the Far East, and World Economic Affairs, and including a detailed analysis of such matters as the Disarmament Conference and the negotiations with Germany concerning disarmament, the proposal for an East European pact of mutual assistance, the Franco-Italian agreements, the Stresa Conference, the proposed Danubian pact, the Anglo-German exchanges with respect to naval limitation and an air pact, the Danzig and Memel situations, the internal developments in China and Japan as well as the developments in respect of the relations of those countries to one another, Philippine independence, the problem of raw materials, the monetary problem, and others. In the preparation of this volume, Professor Toynbee has had not only the general assistance of Mr. Boulter, but also the special assistance of several able experts, who are responsible for certain chapters and who are fully credited for their work by the principal author. The second volume is devoted exclusively to the Ethiopian affair, and Professor Toynbee seems to assume a special personal responsibility for that volume.

The high standard of excellence set by the previous volumes in the series is here fully maintained. The analysis of the complicated problems is clear, detailed, comprehensive, sensitive to the various national interests involved, and generally objective. The qualification with respect to objectivity is made because Professor Toynbee himself frankly admits that he writes on Ethiopia with feeling and opinion, and he makes no pretense to complete objectivity. "In what follows, the writer has done his best to take account of all points of view which are relevant, and he has been particularly concerned to do justice to views that differ from his; but he will certainly not be found to have either avoided or counteracted an element of subjectivity that is inherent in all historical writing . . . Any presentation of a subject presupposes a point of view, and inevitably the picture comes to be drawn in the shape and painted in the colors in which it appears to the observer's eyes from his own angle of vision" (II, pp. vii–viii). His own point of view with respect to the Ethiopian affair is very well suggested by his opening sentences: "The tragic episode of international history which is recorded in this volume is a tale of sin and nemesis" (II, p. 1). As an Englishman, he is particularly disgusted with the attitude of his own country in this affair, and he has no hesitation in permitting that viewpoint to appear very pronouncedly.

Nevertheless, the account is, in the reviewer's opinion, entirely fair to

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all parties concerned and the most satisfying that has yet appeared in print. The analysis of the problem of the oil sanction, for example, and of the attitude of the United States toward that problem and toward other aspects of the Ethiopian affair, shows a thorough comprehension of the involved nature of these problems and an unusual clarity in respect to American politics, traditions, and viewpoints. Nor is there any better analysis to be found within so few pages than that by Mr. H. V. Hodson of the problem of raw materials (I, pp. 340–388) and of the economic aspects of the Ethiopian affair (II, pp. 414–442).

Throughout the two volumes and the variety of problems dealt with, there is, in a sense, a single theme, namely, the vital importance of Germany in respect to all these problems. It is pointed out that, except for the part dealing with the Far East, "almost everything that is recorded in both the volumes will be found to derive ultimately from this fountainhead carved in the formidable shape of a reawakening Bellona with a German countenance." He thinks that German military recovery and the Ethiopian conflict were both quite directly consequences of the Franco-Italian Pact of January 7, 1935, "and thus, as the shades of evening fall again over Europe, the lengthening shadow of Germany stretches beyond Geneva till it touches Addis Ababa." He considers that Germany's part in the Ethiopian affair is not conspicuous, but that the Ethiopian events cannot be understood without reference to the other events in Europe, "and here Germany is unmistakably the central figure." If the British government had been as keen and as realistic as this Englishman, it seems altogether probable that the course of the Ethiopian affair would have been considerably different and the world somewhat less jittery than it is at present.

The two volumes are separately and excellently indexed, are supplemented with chronologies of international events and with maps, and are, in general, among the publications most useful to students of international affairs.

CLARENCE A. BERDAHL.

University of Illinois.

The Dangerous Sea. BY GEORGE SLOCOMBE. (New York: The Macmillan Company. 1937. Pp. 286.)

Is It Peace? BY GRAHAM HUTTON. (New York: The Macmillan Company. 1937. Pp. 364.)

If the story of peaceful human achievement no longer converges in the Mediterranean area, the same cannot be said of human conflict. Events within the past year or so clearly demonstrate that the Mediterranean—"The Dangerous Sea"—remains a focal point of political activity and

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struggle of primary importance. The delicate mechanism of power-relations has been profoundly affected by the recent expansion of the Italian Empire, the modification of the Straits Convention (with its implications for Soviet Russia as a Mediterranean power), the international rivalry over Spain and Spanish Morocco, the Anglo-Egyptian accord, Italian battleship construction, the projected British naval increase, and the diplomatic competition of Britain and Italy for influence in the Arab and Moslem world. Strategic necessities and economic propulsions vie with political ambitions and racial and religious tensions in a measure fulsome but not unknown to the shores of the fabled sea.

George Slocombe has performed a timely task in assembling into one volume materials bearing on these and many other events which affect the destinies of Mediterranean peoples. Dealing with each country on the European, African, and Asiatic shores in turn, he has compressed into a small space the ingredients of ancient and modern history, economics, politics, and military strategy with an admirable sense of proportion. The result is a substantial and delectable offering. If Mr. Slocombe's romantic and journalistic proclivities provide embellishments which are not always substantial in fact, they are at least delectable and may, if dietary preferences require, be skimmed off like the frosting from the cake.

The volume with the faintly satirical title—*Is It Peace?*—surveys British foreign policy since the war in its international setting. Graham Hutton, the English author, weighs that policy in the balance and finds it sadly wanting. The catalogue of deficiencies includes "feeble initiatives, abject retreats, resounding humiliations . . . , lost opportunities . . . , lack of conviction . . . , and an indifferent cynicism." If consistency be a redeeming virtue, it is exemplified, the critic asserts, only in the "meek acquiescence" with which the British faced "the *faits accomplis* of [the] authoritarian Powers." Mr. Hutton excoriates the Conservatives particularly for failing to identify collective security with national interest. Britain held the magic key which might have unloosed France and her eastern satellites from their bondage of fear, and cleared the way for that disarmament agreement which Germany held a necessary condition to her much-valued equality. Had this course been adopted, and had the depression been met with international measures rather than Ottawa agreements, the tottering Weimar Republic might have been relieved from its national burden of adversity and outraged justice.

Few will quarrel with Mr. Hutton's implicit maxim that criticism begins at home, but in all fairness to Great Britain, the responsibility for all the might-have-beens of yesterday does not rest solely at her door. Nor can we fully share the author's lament that the British (and also the French) suffered from excessive timidity because political power still re-

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sides with a generation whose mental habits were formed in the pre-war era. The world might better endure the caution of hoary age than the madcap antics of younger men elsewhere consecrated to the service of fanatical nationalism. Moreover, can Mr. Hutton be sure that his fellow-countrymen would have supported a government dedicated to the international adventure for which he pleads? As the sanctions experience demonstrated, a fine faith may falter before the immediate implications of internationalism when the crisis materializes.

Although British foreign policy is the avowed focus of the study, fully half of the book deals with the setting of post-war Continental politics. The intention, it seems, was to establish a sort of three-dimensional backdrop in which phylogenesis joins with sociological analysis to bring out the underlying forces in European life with which British statesmen must reckon. The result is not satisfying. Apart from illuminating sketches of the origins of European racial divisions and conflict and some penetrating observations on contemporary social compositions and attitudes, the reader is presented with a peripheral survey of treaty-terms and public pronouncements. These are important but readily accessible facts, and they add little value to a study which, elsewhere, is so rich in thoughtful suggestion and interpretation. The informed reader may derive profit if he supplies his own discrimination for the injudicious balance of this part of the book.

WILLIAM P. MADDOX.

Princeton University.

French Policy and Developments in Indochina. By THOMAS E. ENNIS. (Chicago: University of Chicago Press. 1936. Pp. ix, 230.)

The Economic Position of the Chinese in the Netherlands Indies. By W. J. CATOR. (Chicago: University of Chicago Press. 1936. Oxford: Basil Blackwell. 1936. Pp. xi, 264.)

Appearing at a time when colonial problems have again assumed a foremost place in the affairs of many governments and a vital significance in the relations between the nations and regions of the world, Professor Ennis's study of French policy in Indochina should receive the thoughtful consideration of both statesmen and scholars. To discerning men in both groups, it will suggest a method of approach and an attitude of mind that should be conducive to profitable study and sound action in this most delicate and complex field of political relationships. A wide and scholarly use of documentary sources, first-hand experience with personalities and situations in Eastern Asia, and an objective yet discerning mind have here produced a book in which information and understanding are combined to produce knowledge.

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In three chapters, Professor Ennis presents the historical background of recent French policy in Indochina. Following are two chapters devoted to the development of French administration in the colony; then one on the economic aspects of Indochina, and another on the social work that the French have undertaken there; finally there is a chapter on political unrest. The primary purpose of the book seems to be to present a picture of the results that are being produced in this area by the enforced contact of two vastly different cultural systems: the French—fratriarchal, industrial, and democratic; and the Indochinese—patriarchal, agricultural, and aristocratic. To this end, the destructive effect of the French policy of assimilation upon native Indochinese institutions and character is vividly depicted. At the same time, a clear understanding is given of why assimilation was not successful. The policy of association is shown to have been productive of better results and more amicable relations between the governors and the governed. However, the conclusion is that a genuine association of the French and the Indochinese in the government of the country can be only transitory and must end in the independence of the colony from French control.

Generalizing from French, Dutch, and English experience, which is freely and profitably drawn upon throughout the study, Professor Ennis concludes that, "the West should remember that colonies cannot be 'held' forever within the vicious circle composed of armed force, large doses of assimilation, and promises of association. The evacuation of the military, under the present system of imperialism, signified white defeat. The policy of assimilation means native unrest. The acceptance of association spells eventually independence." With this conclusion the reviewer has no quarrel. Certainly it is corroborated by American-Filipino experience—which suggests that it would have been a fine thing if Professor Ennis could have added Philippine experience to his comparative material.

The chapter on political unrest traces the relationship between agitation, sedition, and rebellion in Indochina and world events and forces such as the Russo-Japanese war, the Chinese revolution of 1911, the World War, and the rise of the Soviet power. The essential political unity of the modern world has seldom been more definitely shown.

Dr. W. L. Cator's study of the economic position of the Chinese in the Netherlands Indies was issued under the auspices of the Institute of Pacific Relations. It is a thorough and scholarly monograph upon an important phase of life not only in "Insulinde" but in every non-Chinese area of the Far East. The subject is given adequate treatment in its historical, legal, ethnological, social, and economic phases. Nowhere can one obtain a better insight into the invaluable contributions that the Chinese have made to the development of the countries near their bor-

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ders and into the problems that their presence has created wherever they have settled in large numbers. Written from a wide variety of Dutch sources, Dr. Cator's book is a valuable contribution to our knowledge of the important subject treated.

JOSEPH RALSTON HAYDEN.

University of Michigan.

Japan's Foreign Relations, 1542–1936. By ROY H. AKAGI. (Tokyo: The Hokuseido Press. 1937. Pp. xiv, 560.)

A survey of the foreign relations of Japan from 1542 to 1936 is no small undertaking, yet Dr. Akagi's volume is a creditable work. It is "an attempt to summarize in English and in one handy volume the main acts and scenes in the unfolding drama of Japan's foreign relations during the past four hundred years, from her first contact with Western Powers through the recent Sino-Japanese crisis." The author has fulfilled his purpose well in presenting an almost strictly factual account with little attempt at interpretation. Practically every important question of foreign policy is covered adequately, although the period before the World War receives greatest attention. The chapters on the opening of Japan, the revision of the first treaties, the Russo-Japanese War, the Washington Conference, and the immigration question are particularly well-written and give evidence of the use of a variety of source materials.

The student of Far Eastern problems will be disappointed to find a complete lack of citations of sources and of a bibliography. An indication of the use of Japanese source material particularly would add greatly to the book's worth. That Dr. Akagi has made use of non-Japanese sources is quite clear, as, for example, his reference to the attempts of the United States to negotiate for a naval coaling station on the coast of Fukien province opposite Formosa and the relation of these negotiations to the Twenty-One Demands—a fact not commonly referred to in similar works on the Far East.

In a number of instances, the author detracts from the objectivity of his writing by exaggerated statements, such as his reference to Japanese actions as "master-strokes of diplomacy" and by the constant repetition of his thesis that Japan's foreign policy has been motivated solely by her desire for security. In his discussion of Japan's adherence to the World Court statute, Dr. Akagi gives his country's "bitter experience" with arbitration as a reason for non-adherence to the "optional clause" of the statute, leading the reader to believe that Japan has not made use of arbitration because of adverse decisions.

The chapters on the Sino-Japanese crisis over Manchuria clearly set forth the official Japanese case without any attempt at criticism, and therefore are at variance with the conclusions of the Lytton Commission's report.

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The above criticisms, as well as the mis-spelling of proper names, should not be allowed to minimize the value of this book as one of the few comprehensive surveys of Japan's Far Eastern relations; and the fact that it is written by a Japanese for the English-reading public makes it a noteworthy contribution.

WILLIAM C. JOHNSTONE, JR.

George Washington University.

The Undistributed Profits Tax. By ALFRED G. BUEHLER. (New York: McGraw-Hill Book Company. 1937. Pp. viii, 281.)

This is a timely book on a subject which lies very close to the heart of the taxation problem.

The author first takes the historical approach to his subject and presents an account of the earlier attempts which have been made and recommended to prevent the evasion of individual surtaxes by the reinvestment of corporate earnings. He then gives a detailed account of the passage of the 1936 Revenue Act, the arguments presented at the hearings on the measure, and the provisions of the law as finally passed. He makes an original contribution in an account of foreign experience with similar legislation, particularly in Norway, which has had an undistributed profits tax with a somewhat lower and ungraduated rate since 1921.

The author presents statistical evidence to show that corporate savings (contrary to popular opinion) have not tended to increase relatively, even during the twenties. He analyzes the purposes of corporate saving. Just how much the new law will increase corporate distribution of earnings cannot be predicted with certainty. The persistent need for new capital, the control by large stockholders who still stand to gain by reinvestment, and the fact that a seven per cent tax on the withholding of ten per cent of earnings only means a tax of 0.7 per cent on all corporate income, are cited as reasons for believing that considerable income will remain undistributed under the law.

Launching into the arguments for and against the new tax measure, the author concludes that it favors the large corporations at the expense of the small ones, since the latter ordinarily reinvest a larger per cent of their earnings and have greater need for new capital; that the new measure is not necessary to equalize tax burdens in favor of unincorporated business, since the latter already enjoys many tax advantages; and that the non-fiscal purposes of the tax, seeking to eliminate depressions by reducing saving and encouraging spending, are based upon exaggerated assumptions and doubtful economics.

As a strictly fiscal measure, the author holds that there are too many variables in the new law to enable one confidently to predict its financial

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yield; it conforms neither to the ability-to-pay theory of taxation nor to the principle of benefits received.

A chapter is devoted to other forms of corporate taxation, and in it the author concludes that the excess-profits tax and the graduated tax on corporate income are unsound features of our present revenue system. The usual arguments are cited.

The reviewer is of the opinion that Mr. Buehler gives insufficient weight to the tax law discrimination which the new measure was designed to remedy, and that he ignores responsibility for proposing other solutions for this discrimination. Nevertheless, the book is an able presentation of the facts and of the problems involved in an exceedingly important innovation in the federal tax system.

HAROLD M. GROVES.

University of Wisconsin.

Public Utility Regulation and the So-Called Sliding Scale. By IRVIN BUSSING. (New York: Columbia University Press. 1936. Pp. 174.)

Under the tutelage of Professor James C. Bonbright, Dr. Bussing has contributed a study of first-rate significance on an important aspect of public utility regulation, i.e., the sliding scale in price regulation. The title-page reveals that his small volume is "a study of the sliding scale as a means of encouraging and rewarding efficiency in management of regulated monopolies." The reader soon discovers, however, that the work is not propaganda or a popular appeal for the general adoption of the plan, but rather a scientific evaluation of the device based upon statistical and logical analysis of experiments in Great Britain, Canada, and the United States over a period of more than three-quarters of a century.

"Rewards for efficiency," the author declares, are not a basic part of ordinary regulatory procedure, as evidenced by the fact that "an efficient plant which charges relatively low prices is generally allowed to earn no more on its rate base than a less efficient company which charges relatively high prices." One method devised to overcome this obvious injustice is the sliding scale, which is defined as any form of regulation in which the profit allowed increases or decreases in proportion as prices decrease or increase.

The sliding scale as a regulatory device is traced from the British Isles, where it was first applied in 1855 in the gas industry, to Toronto, Canada, where it has been used in the gas industry since 1887, to Boston, where it was applied to the Consolidated Gas Company, thence to Philadelphia, Connersville, Memphis, Dallas, Houston, and finally and most significantly, to Washington, D. C. When the sliding scale went into effect in Washington, December 31, 1924, "electric prices were among the highest in the country; within eight years they were among the lowest" (p. 5).

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In Chapter VIII, the author notes four significant accompaniments of the sliding scale in Washington: regular and substantial decreases in prices to consumers; relatively high level of corporate income; an increase in the number of customers; and a large increase in the volume of consumption, especially among domestic consumers. No unqualified claim is put forward that the sliding scale was primarily responsible for these desirable achievements. On the contrary, other causal factors are noted, among which are: the economic status of Washingtonians, improvement in the company's "public relations," and especially "the tireless, fair, and able supervision rendered by the public utilities commission of the District of Columbia" (p. 161).

Weaknesses underlying the sliding scale are enumerated and analyzed. Thus, it is untrue that the super-normal income (allowed by the sliding scale) is entirely earned by the stockholders who receive it; unearned excess income (traceable to external factors) is not ordinarily used (as it should be) to amortize the company's debts; no penalties are provided for sub-standard performances; and the sliding scale has failed to contribute to a solution of the "most vexatious problem in public utility regulation, that is, the problem of the valuation of the rate base, and the rate of return" (p. 167).

Although the author points out that, according to pertinent evidence, "the plan patently is imperfect," he concludes that "as its weaknesses are chiefly administrative, it will become a better method of regulation in proportion as more companies and commissions give attention to it" (p. 167).

ORREN C. HORMELL.

Bowdoin College.

The Unique Function of Education in American Democracy. BY THE EDUCATIONAL POLICIES COMMISSION, ALEXANDER J. STODDARD, CHAIRMAN. (Washington: National Education Association and Department of Superintendence. 1937. Pp. 129.)

The issuance of this well considered statement of the social obligations of education and of the means most appropriate for discharging them will not unlikely mark a capital milestone in the history of America's parent educational organization. The Commission makes a double argument: (1) in its nature and obligations, education is unique among the functions of government; (2) the proper discharge of such duties as are laid upon the public schools requires for education a measure of autonomy quite as wide as that which has historically been accorded the judiciary. This latter proposition makes the volume of special interest to students of government.

Without agreeing that education is as unique a function as the Commission attempts to prove, the reviewer thinks that the report embodies

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as good a statement of this case as it is possible to make. The argument offered is not easy to summarize, but it insists, in general, that education stands apart from, above, or below all other functions of government because it is entrusted with the transmission and enlargement of the "funded wisdom and aspirations of the race" on which all else depends, and that specifically it has in greater measure than any other function the responsibility of invigorating the idea of the priority of the public interest which is at the foundation of the American way of life—a responsibility more serious today than ever before, due to the disturbing fact that the assurance of a democratic society can no longer be taken for granted.

Regarding changes in overhead control, the Commission declares that although school authorities cannot be indifferent to the demand that school affairs be handled with reference to the total financial and governmental situation in a community, they will have satisfied all reasonable demands for coördination if, as is now the case "in the best of jurisdictions," they keep themselves well-informed regarding the general state of public revenues and expenditures, give to appropriate budget-making officers and the public complete information relative to school receipts and outlays, confer with fiscal officers on the general situation, and "invite from other specially qualified persons and the public a consideration of the tentative educational budget before reaching final determinations."

Although it is submitted that the Commission's case for fiscal independence is much less than convincing, there can be little objection to the recommendation that education be set apart in administration from those branches which must respond automatically to the preferences of victors in political campaigns. The crux of the matter is: *how far apart?* Nowhere does the Commission give a specific answer. It apparently favors independent, popularly-elected school boards as the medium for public control of education. Why? Education has much to gain through being brought closer to the other functions of government, and this integration can be accomplished without stultifying any liberties which, from the record, educators seem determined to use for defending or extending American democracy.

JOHN ALBERT VIEG.

University of Chicago.

BRIEFER NOTICES

AMERICAN NATIONAL GOVERNMENT AND POLITICS

The advocates of American fascism will find much to comfort them in John E. Dalton's *Sugar; A Case Study of Government Control* (Macmillan

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Co., pp. x, 311). The author, an ex-chief of the Sugar Section of the A.A.A. and a member of the faculty of the Harvard Graduate School of Business Administration, describes in an interesting way the over-production of this basic food product and the serious problems presented by the attempts at control. The Sugar Act of May 9, 1934, authorizes the Secretary of Agriculture to impose processing taxes amounting to some $60,000,000 yearly. He regulates not only the amount of beets and cane produced in the United States, and the insular possessions, but also the processing of cane and beets, the marketing by processors and importers in the United States, and, indirectly, refining and distribution. In addition, there is a high protective tariff with slight preferential duties for Cuba, a preference which has been reduced since the book was written. Intense stimulation of the industry during the war has produced post-war ruin. A long-continued policy of high tariff protection for beet growing has given that exotic crop a strangle-hold on the politics of the Western states. The new control system has added to tariff protection a series of benefit payments to beet and cane growers, quotas and allocations between areas and individuals. The summary is devastating. The grower has been *guaranteed a profit.* The sugar bloc in the Senate has become an irresistible political force; it compelled an increase of 100,000 tons in the beet quotas as the price of passing the act of 1934. Florida cane producers (chiefly two large corporations) received over $860,000 in one year for benefits, mostly for not producing. Benefits, however, were wiped out by the Court decision on A.A.A. American growers have waged a steady and relentless war to exclude sugar from Cuba and the dependencies. The Cuban industry, in which over $600,000,000 of American capital is invested, has been brought to the verge of ruin. The refining industry has received only "a minimum of financial benefit." The author feels strongly that more adequate protection is due it. In order to build up this marvelous system of government-controlled production, government-controlled distribution, and tariff protection for a business that can never become independent, the American consumer is taxed two dollars per person per year! Difficult indeed would it be to frame a more searching indictment of this form of government planning than the closing words of Chapter XVI: "In all probability, the consumer will be unaware of the form of the final decision . . . It is certainly clear that if excessive protection is given, a reduction will be difficult in the welter of practical politics."—JAMES T. YOUNG.

After the deluge of partisan polemics on the New Deal, it is a relief to encounter such a volume as *Three Years of the Agricultural Adjustment Administration* (Brookings Institution, pp. xiv, 600), by Edwin G. Nourse, Joseph S. Davis, and John D. Black. The authors belong to the

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school of economists who "endorse neither extreme laissez-faire nor extreme governmental control or operation." They disagree among themselves in emphasis and in detail, but this does not detract from the value of their work. They agree that the A.A.A. was hastily improvised to meet an emergency; that some parts of its program were inconsistent; that it suffered from lack of experience and administrative technique; that it aided the farmer, in cash benefits and in a general increase in farm prices; that it contributed to general economic recovery; that the greatest benefits went to the areas that had suffered most from the depression; that most of the burden was borne by the consumers; that the basic idea of "adjustment" between farm income and income of other groups was sound; and that some such continuing agency is needed to integrate agriculture with other phases of our economic life. They doubt the efficacy of crop-reduction as a permanent method of securing the desired effect, but regard it as orthodox supply-and-demand economics under the conditions existing in 1933. This book is at once sympathetic and realistic in its treatment of the farmer, the industrialist, and the consumer as members of competing, though sometimes overlapping, interest groups. By its nature, this work will not appeal to as many readers as *Gone With the Wind*, but it is a very significant study of one phase of our groping toward a peaceful adjustment of conflicting group interests and a more intelligent conservation and use of our natural resources.—ROGER V. SHUMATE.

N.R.A.: Economic Planning (Principia Press, Bloomington, Ind., pp. xiii, 596), by Charles F. Roos, is the second monograph in a series of five publications by the Cowles Commission for Research in Economics (Colorado Springs, Col.). The three remaining volumes are to be published later in the year. The author of the present volume is the director of research of the Cowles Commission, and was formerly director of research for the N.R.A. In a foreword, the N.R.A. is designated as the "most bitterly debated governmental agency in American history." The book is an attempt to reveal the fundamentals in the evolution of N.R.A. policy. Most of the chapters aim to outline the rapidly changing decisions which characterized the administration of N.R.A. A further aim, according to the author, is to provide a more searching analysis of the objectives and efforts of N.R.A. Needless to say, a great deal of inside information on N.R.A. policies is disclosed; also a great amount of statistical data, presented by means of some sixty-seven tables, nineteen charts, and extensive footnotes. The author does not hesitate to set forth his criticisms of N.R.A., many of which he formerly made in his line of duty as adviser. There are fifteen chapters in all. The first four deal with the evolution of the N.R.A. idea, the passage of the act itself, the personnel and ad-

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ministration of N.R.A., and the evolution of its various policies. The four succeeding chapters deal with labor questions, including the shorter work week, wage changes, collective bargaining, and the like. Later chapters deal with sales and price problems. A single chapter treats of fair trade practices and monopoly. Two more chapters deal, respectively, with the problem of the small business man under N.R.A. and the problem of planning for increased purchasing power. The concluding chapter presents further appraisals of N.R.A. The book is not difficult to read, the author possessing a clear style and the publishers having been liberal in presenting the contents in a very satisfactory and pleasing form; and altogether, the work is a useful contribution to the literature of the national government's greatest experiment in the regulation of commerce and industry.—EARL W. CRECRAFT.

The editors of *The Economist* (London) have set down in a very slender volume, *The New Deal; An Analysis and Appraisal* (Alfred A. Knopf, pp. ix, 149), a summary of the more important policies of the Roosevelt régime and of the economic results thereof down to the fall of 1936. The policies reviewed include the relief program, social insurance, public works, housing, N.R.A., labor unionism, agriculture, banking and currency policies, the budget, foreign trade, regulation of securities, the utility and power questions. For so summary an account, the effort is quite successful, possessing special value for the lay reader. Representing, as it does, the judgments of the editors of a journal written chiefly for British business men, the volume exhibits a quality of detachment and good temper seldom imitated on this side of the Atlantic. While the appraisals of the various policies cannot be reviewed here, the general evaluation may be indicated. "If the criterion be Utopian, the achievements of the New Deal appear to be small. Relief there has been, but little more than enough to keep the population fed, clothed, and warmed. Recovery there has been, but only to a point still well below the pre-depression level. Reform there has been, but it is slight in comparison with the reformers' blueprints. The great problems of the country are still hardly touched." If, however, the achievements are matched with those of "other governments, the former adverse judgment must be modified. If its [the New Deal's] achievements be compared with the situation which confronted it in March, 1933, it is a striking success. Mr. Roosevelt may have given the wrong answers to many of his problems. But he is at least the first President of modern America who has asked the right questions."—CHARLES MCKINLEY.

Since the entrance of the United States into the International Labor Organization, the volume of literature on the relation of this organization with federal governments has been increasing rapidly. In the United

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States, there are certain questions of importance: Can the United States by treaty agreement as to labor conditions assume power over labor conditions normally reserved to the states? What limitations in the Constitution may restrict the regulation of labor by treaties? Are interstate agreements and compacts valid as to any and all labor conditions? In *Labor Treaties and Labor Compacts* (Principia Press, Bloomington, Ind., pp. vi, 136), Abraham C. Weinfeld attempts to give answers to these and other questions. While no treaty has ever been declared unconstitutional, it seems wise to the author to recognize that the treaty-making power "is limited by the bill of rights which includes the due process clause" (p. 35). "A majority of the present Supreme Court will most probably hold the due process clause of the fifth amendment to be a limitation on the treaty-making power in the field of labor relations" (p. 36). In view of the condemnation of minimum-wage restrictions at the time of writing, for instance, the author thinks that treaties in this field should not be attempted by the United States. The "agreement or compact" between states clause is examined historically, and it is concluded that states may "enter into compacts dealing with labor conditions" (p. 122). Yet the due process clauses of the Fourteenth Amendment and of the state constitutions "will undoubtedly be limitations on the power to enter into interstate compacts" (p. 124). On the whole, Mr. Weinfeld has offered a provocative and timely study of a problem that will certainly become more important if current trends in American labor policy continue.—FRANCIS G. WILSON.

The Supreme Court and Political Questions (Johns Hopkins Press, pp. 145), by Charles Gordon Post, is a realistic study of the judicial process as manifested in cases which involve what the courts have designated as "political questions." The author makes it clear in his introductory chapter that he is not concerned with abstract principles or theories, but rather with the purposes and consequences of the doctrine of which he treats. After the inadequacy of conventional explanations of political questions has been pointed out, two chapters are devoted to a classification and analysis of cases involving these matters. From this study the author endeavors to discover the reason why a court places a particular problem in the category of political questions and the consequences which result from such action. His examination of the opinions reveals the absence of any prevailing principles which lead to the decisions. On the other hand, ample evidence is presented of practical factors that may have influenced the courts to characterize particular problems as political questions and thus leave their determination to the political departments. In a chapter entitled "Political Questions as a Category of the Judicial Thought-Process," and in his final chapter, Professor Post de-

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velops his thesis that practical considerations and questions of expediency have been the most important factors that have influenced the courts in placing particular problems within the field of political questions. He makes the interesting suggestion that "if as a consequence of a change of economic conditions, certain problems of government, now within the jurisdiction of the judiciary, might more effectively be settled by the political departments, . . . the court will find a useful category in the doctrine of political questions." The monograph includes an adequate bibliography, table of cases, and index. It will be of value for those who are interested in political questions and for others who are concerned with the nature of the judicial process.—ISIDOR LOEB.

In *Our Ineffective State* (Henry Holt and Co., pp. xxi, 281), William H. Hessler, of the Cincinnati *Enquirer*, presents an argument for enlarged federal powers. Upon the premise that the ineffective state is prime for conversion into dictatorship, he concludes that the government of the United States must be adapted to the need for positive action in an industrial society and must establish a new order of liberties suited to life in that society. The Supreme Court has fostered big business and expanded its own competence, but, since Marshall, has dissipated national power. Congress should, by amendment, be given jurisdiction over national economic matters, the due process clause should be redefined, and the amending procedure should be revised to permit majority rule. An obstacle to reform is the doctrine of the separation of powers. Congress should retire to the rôle of investigation, and of debating and approving or disapproving the broad proposals of the Executive. However, the delegation of legislative power to the President alone is not desirable Coalition between Congress and the Executive is better, and one means to this end would be to permit the President once in his term to dissolve the House of Representatives. Perhaps the most interesting proposal is that the cabinet should be strengthened, making it a national planning agency, delegating subordinate legislative power to it, and giving the members seats in Congress. The book is stimulating, even to one who remains unconvinced regarding some of the suggested solutions.—W. REED WEST.

Seeking to present a rather limited aspect of our historic conflicts with the Indians, J. P. Kinney, in *A Continent Lost—A Civilization Won* (The Johns Hopkins Press, pp. 366), raises questions involving social and economic philosophy, government policy, and public administration. He presents a chronological account of our government's Indian land policies from colonial days to the days of the New Deal, showing how, after a century's vain attempt to promote individual enterprise and self-sufficiency among the Indians by means of allotting lands to individuals,

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our government has now turned its attention rather to the promotion of tribal management and pride. The allotment of lands to individuals has been discontinued. The author has made a thorough examination of records pertaining to Indian land policies; but his manner of presentation could be improved. While direct quotations from treaties, acts of Congress, and administrative reports are desirable in a book of this type, it seems unnecessary to go to the extent of quoting from each annual report when recommendations are almost identical and from several treaties or statutes all intended to carry out a single policy. Much detail that might well have been referred to by general statements and footnote citations adds to the length of the book, but detracts from its value because of the monotony and lack of coherent organization.—EDWIN O. STENE.

In his study, *The Commercial Reciprocity Policy of the United States, 1774–1829* (University of Pennsylvania Press, pp. 305), Vernon G. Setser traces American commercial policy during its formative period. Experiences of the new nation in attempting to win foreign recognition and aid through commercial treaties are detailed, and the later alterations in policy resulting from the centralized control provided under the Constitution, the economic growth and greater economic independence of the nation, and the increased respect of foreign governments for the United States are portrayed. In conclusion, Setser states that the study of American commercial policy of this period reveals that "the United States has been little less selfish in forwarding the interests of its nationals than any other country."—NATHAN L. SILVERSTEIN.

Recognition that new economic, social, and political conditions, and new legislative proposals prompted by them, have stirred public interest afresh in the origins and character of the federal Constitution has led Little, Brown and Co. to issue a reprint of Charles Warren's *The Making of the Constitution* (pp. xii, 832), and similarly has influenced the Garden City Publishing Co. to bring out a new, though unrevised, edition of Chief Justice Charles Evans Hughes' *The Supreme Court of the United States, Its Foundation, Methods, and Achievements; An Interpretation* (pp. vii, 269), published originally by the Columbia University Press.

Hastily taking advantage of public interest stirred by President Roosevelt's proposals for judicial reorganization, William R. Barnes and A. W. Littlefield have compiled *The Supreme Court Issue and the Constitution* (Barnes and Noble, Inc., pp. 140). Almost half of the space is devoted to favorable and unfavorable comments on the Supreme Court proposal, by congressmen, jurists, professors, journalists, clergymen, and others; the remainder is taken up with miscellaneous lists, tabulations, and other

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data more or less pertinent to the issue. There is little of value for the political scientist—unless it be some choice cartoons reproduced from leading newspapers.

Fred Taylor Wilson's *Our Constitution and Its Makers* (Fleming H. Revell Co., pp. 585) adds little to the familiar story of the framing and adoption of the Constitution. Sketches of the framers, interesting but largely uncritical, constitute the major part of the book. Of principal value is the inclusion of important documents and more or less obscure letters and speeches which illustrate the viewpoints of some of the framers.—E. S. WENGERT.

STATE AND LOCAL GOVERNMENT

Just as city planning was found to be too limited a concept and was forced to grow up into regional planning, so the concept of zoning has also been extended from urban into rural areas. Wisconsin has been a leader in the movement for rural zoning, but other states are falling into line, as shown in the mimeographed publications under review. *Problems and Suggestions in the Drafting of Rural Zoning Enabling Legislation* (pp. 67, December, 1936), and *Some Considerations in Support of the Constitionality of Rural Zoning as a Police Power Measure* (pp. 48, December, 1936), both by Herman Walker, Jr., are *Land-Use Planning Publications* Nos. 10 and 11, respectively, of the Land Utilization Division of the Resettlement Administration. The first gives a brief summary of the development of rural zoning in the American states, an analysis of the major problems faced in drafting the necessary laws, a suggested draft of a complete act, and a series of possible alternative provisions. The second presents a summary of pertinent constitutional decisions that tend to show, by parity of reasoning, that a rural zoning statute might be sustained as a proper exercise of the police power. Both are thorough and scholarly contributions to a subject of increasing importance. Zoning in rural areas is designed primarily to prevent the agricultural development of lands unsuitable for that purpose. In effect, it would save the ignorant settler from his own folly in trying to farm on sandy or stony barrens; prevent the land speculator from making a profit by the sale of such lands to the unwary; and save the state and local governments extra expense for roads, schools, poor relief, and other services. Thus, rural zoning has objectives very different from those of urban zoning, and it raises different constitutional questions. It is interesting to note that in this field, as in urban zoning and planning, it is a bureau of the national government that is carrying on the research, publication, and educational work needed for the promotion of a new service by state and local governments.—WILLIAM ANDERSON.

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Town-Administered Special Districts and the Control of Local Finance in New York (Special Report of the New York State Tax Commission, pp. xv, 175) was submitted as a doctoral thesis at Yale University by Daniel T. Selko and later published as Special Report No. 11 by the New York State Tax Commission. The monograph will prove of great value to the student of local government for its analysis of a type of local unit about which little is known. The author defines the town-administered special districts as "districts which are established by the town boards as a means of apportioning the cost of special town services to benefited taxpayers." In New York, the special districts have been used widely to provide services for suburban residential communities adjacent to cities. Services now provided by special districts include fire and police protection, water supply, sewerage and drainage, refuse collection and disposal, street lighting and paving, sidewalk and curbing construction, maintenance of parks, and operation of public docks. Dr. Selko believes that "the use of special districts appears to present no serious problem as long as they appear merely to apportion the costs of a few special services to the benefited taxpayers." His criticisms are directed against the present absence of control over the creation of special districts and over their financial operations. He believes that "the ultimate responsibility for district operations should remain with the counties, since they possess a greater degree of economic stability than the towns, but it is essential that thoroughgoing control over special district operations be exercised by some central authority." Adequate systems of accounting, auditing, budgeting, and reporting are suggested to replace the "present chaotic methods of local fiscal management."—CHARLES C. ROHLFING.

Municipal Ownership of Electric Undertakings in Virginia (Bureau of Public Administration, University of Virginia, pp. xx, 132), by Rowland A. Egger and James E. Gates, is an earnest and successful effort to appraise objectively the merits and defects of public ownership and management in Virginia. We have been deluged with so much literature written primarily to "prove something" that the Egger and Gates monograph is indeed an oasis in the burning sands of controversy. The study analyzes the operations and policies of fourteen municipally owned plants in Virginia. The authors modestly state that their purpose is to assist plant managers and municipal councils to get a bird's-eye view of themselves and to assist the plant managers in analyzing their peculiar local problems. Perhaps the first two chapters, "History and Development of Municipal Ownership in Virginia," and "Law of Municipal Ownership in Virginia," are principally of value to Virginia residents. Other chapters dealing with administrative, financial, and rate policies of the Virginia municipals provide an interesting case study and analysis of important

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problems confronting municipal plants anywhere in the United States. Virginia appears to be no exception to the practice of using the municipal electric plant as a "tax-collection agency." The authors significantly point out that the "revenues from sales of the electric plant average 53.38 per cent of the total revenues of such municipalities from all sources." If these "profits" were diverted, an increase of 34.41 per cent in the municipal tax rate would be necessary. This factor has deterred the municipal plants from introducing progressive and promotional rate schedules, a practice now receiving wide acceptance by the private utilities.—CHARLES C. ROHLFING.

In *The Gasoline Tax in the United States* (Public Administration Pamphlet No. 54, 5th ed., pp. 50), Finla G. Crawford maintains the high standard of earlier editions. Among recent developments, Professor Crawford finds methods of tax collection more efficient; efforts to curb evasions and bootlegging more vigorous. Statistical data have been enlarged and brought down to date. In *Tax Limits Appraised* (Public Administration Pamphlet No. 55, pp. 40), the pros and cons of over-all tax limits are presented. The study was prepared by A. Miller Hillhouse, of the Municipal Finance Officers' Association, and Ronald B. Welch, of the National Association of Assessing Officers. In view of the movement toward tax limitation sponsored by the National Association of Real Estate Boards and the legislative proposals in various states, this study is both significant and timely. *Property Tax Reduction in California* (Bureau of Public Administration, University of California, pp. 33), by Malcolm M. Davisson, is a study of county tax relief to property owners in that state during the years 1931–36. Taxes levied upon property for county purposes rose rapidly from 1920 to 1932. In 1933, demands for tax relief culminated in a constitutional amendment requiring mandatory county school costs to be met by the state out of sources other than property. The long-run problem of a drastic over-all tax limit on county expenditures has not been settled by the adoption of the amendment. After a three-year trial period, substantial relief is still afforded county taxpayers, but increases have begun to appear.—EDWARD W. CARTER.

In spite of the fact that Texas has only six municipalities with formal merit systems, R. W. Cooper's *The Texas Municipal Civil Service* (University of Texas Bulletin, Municipal Studies, No. 8, pp. 211) is an interesting comparative survey of civil service and merit systems in general, of six Texas municipalities in particular, and of prospects in both the urban and rural fields in Texas. Mr. Cooper fails to distinguish, however, between permanence in office, under reasonable conditions, and selection and advancement by merit; using the terms "civil service" and "merit" in a somewhat interchangeable fashion. This is particularly

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important since the constitution of the state of Texas specifies that "the duration of all offices not fixed by this constitution shall never exceed two years." It is surprising, therefore, that the Texas municipalities discussed have been able to advance at all in this field; and this fact explains, perhaps, why the emphasis has been placed on selection according to merit, rather than on reasonable permanence in office. Part I describes the size, cost, and compensation methods prevailing. Part II deals with personnel practices such as the personnel agency, classification and standardization, recruitment, training, in-service problems, and retirement. The concluding chapter, "Prospects," contains such suggestions for improvement as making room for the college-trained person, abolishing the practice of local preference and the constitutional limitation on tenure, the proper sphere for a state personnel agency, and numerous others of equal importance. The study represents a wholesome attempt to bring home to the people of a state the need for a trained, selective, public personnel organization.—R. L. CARLETON.

Public reporting as a means of giving public opinion a more substantial basis has received increased attention in recent years. In *Municipal Reporting in Texas* (Bureau of Research in the Social Sciences, University of Texas, pp. 98), J. T. Barton surveys the actual reporting practices of fifty representative cities in that state (just under ten per cent of the state's total). In addition to the survey of actual practices in municipal reporting, the author points out the advantages derived from such reports and proposes a program for the guidance of cities in the state. He finds that Texas cities have done little public reporting in the past. This study, however, should lead to increased activity in the future. His suggestions are applicable, not only to Texas cities, but to those of other states, and should prove of value to any city official who desires to work out a program for giving the people adequate information about the activities of their city.—CHARLES M. KNEIER.

In *Personnel Problems in Maine* (Bureau for Research in Municipal Government Publications, Bowdoin College, pp. 80), Professor Orren C. Hormell presents a timely and comprehensive proposal for the establishment in Maine of the merit system for the selection of state employees. The introductory chapter is a summary of the need for the merit system in administration, and includes a clear outline of its essential features. In the following chapter, the author describes the personnel situation in Maine, outlines the history of merit system proposals, and gives an able argument, buttressed by convincing statistics, for the establishment of the system in his state. The main section of the study consists of a well-drawn personnel bill, fully and carefully annotated, exhibiting throughout the marks of painstaking research and profound thought. The complete-

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ness of the proposals leaves little to be desired. This book, while it is particularly applicable to the state of Maine, should prove of value to every person interested in the improvement of state administration. Satisfactory appendices explain various parts of the main text.—CHARLES J. ROHR.

State Law Index, No. 5, 1933–1934 (pp. 750) is the most recent biennial index to and digest of state legislation compiled by the Legislative Reference Service of the Library of Congress and published by the Government Printing Office. This is a reference series of considerable potential value for students of current legislative developments. Appearing more than three years after the enactment of most of the laws digested, however, the actual value of the volumes would seem to be greater for historical than for current studies.—EDWIN E. WITTE.

FOREIGN AND COMPARATIVE GOVERNMENT

Freedom of the press and of opinion is a burning issue in China, because of the difficulties of unification and the unpleasant international position of the country. The urgency of this problem colors and illuminates Lin Yutang's *A History of the Press and Public Opinion in China* (University of Chicago Press, 179 pp.), a brilliant, racily written survey of bureaucracy and free speech in ancient and modern China. Lin Yutang is China's leading wit—a rôle significant under inefficient censorship—as well as a litterateur and publicist. Editor of the humorous magazine sardonically entitled *The Analects*, after Confucius, he has gained a large following among students and intellectuals discontented with both the Nanking régime and its opposition of the Left. Hence, in the first half of the book, dealing with old China, he is inclined to emphasize protestant reformers and patriots eminent as individuals, rather than problems of group opinion. The second half, on modern China, treats the rise of the modern press, in part duplicating Roswell S. Britton's *The Periodical Press in China, 1800–1912* (Shanghai, 1933), but concluding with four vividly informative chapters which describe the leading magazines and newspapers, the journalistic profession, its political rôle, and government interference. The author believes that "the 'stronger' a government is, the weaker the press, and *vice versa*" (p. 114), and that China needed and needs constitutional guarantees of freedom of speech and press. The work's chief weaknesses are the lack of a bibliography and index, idiosyncrasies in the rendering of Chinese names, and occasional recklessness in applying Western terms to China. As an introductory survey based on fresh materials—untranslated texts, and the author's first-hand experience—it is valuable, and rich in the data of comparative government. A reference very convenient to anyone in-

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terested in following up Mr. Lin's work is Professor Rudolf Löwenthal's "Western Literature on Chinese Journalism: A Bibliography," *Nankai Social and Economic Quarterly*, Vol. 9 (Jan., 1937), pp. 1007–1066.—PAUL M. A. LINEBARGER.

Students of politics generally, as well as those primarily interested in the vicissitudes of colonial self-government, will find in Sir Cecil Clementi's *Constitutional History of British Guiana* (London: Macmillan and Co. pp. xxii, 546) an instructive record of experience. The governmental evolution of this colony presented a complicated series of problems. There were the issues of slavery, emancipation, and its aftermath, including African and East Indian immigration; the effects of British adoption of free trade (and the consequent abolition of the colonial preference) upon the sugar industry; the rise of a commercial and professional bourgeoisie, and its political contest with the planter oligarchy; the interrelation of certain classes in the colony with dissident elements in British politics; a long-drawn-out contest over the Civil List—for control of finances has been the touchstone of British constitutional controversy in the Outer Empire as at home. Above all was the fact that British Guiana is a tropical colony, with the vast bulk of the population East Indian, colored, or Negro. Although representative institutions dated back to the period of Dutch rule, property qualifications for voting and office-holding restricted direct participation in government to a minute fraction. Under such circumstances, the rôle of the Colonial Office as arbiter became crucial, and the question arose as to whether representation of the population at large was not better attained through the appointive than the elective principle. Latterly, the elective members predominated in the government, with substantial control of colonial finances. This, the author claims, frightened capital away and inhibited the economic development of the colony. The upshot was the constitutional reaction of 1928, and the appointive now outweigh the elective members in the colonial legislature. The author writes competently, from the viewpoint of the experienced colonial administrator. His style is lucid; the essential facts are in the right places, and fully documented; the appendices (140 pages) comprise a very helpful series of documents and charts; but there is no index.—A. GORDON DEWEY.

A touch of the fashionable "psycho-biography" accounts for the title of Mr. G. T. Garratt's *The Two Mr. Gladstones* (Macmillan Co., pp. xvi, 311). "Mr. Liverpool" and "Mr. Oxford" are supposed to represent the two contradictory sides of the statesman whose career is recounted. Fortunately, Mr. Garratt does not make much play with his little jest, and has written, in modest compass, an informed, scholarly,

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and interesting life of his hero. W. E. Gladstone held office so long and so often, ruling the greatest empire in the world at eighty-five and amassing a sum of prestige for that empire which even the ambivalence of Mr. Kipling's cousin has not yet quite succeeded in throwing away, that a sympathetic and contemporary interpretation of his career has a good deal of practical value today. Mr. Garratt, who has frequently stood for Parliament as a Labor candidate in rural constituencies, would, I think, avow himself a follower of Gladstone and a believer in "Gladstonian liberalism," and appears to have written the book to persuade the present generation to draw lessons from the problems of the past.—E. P. CHASE.

The political fluctuations that mark French history for so long a time after the reign of Louis XV must always fascinate the student of public opinion. Where lies the key to such apparent instability? Why did the Bourbons, regaining their throne, lose it again after a few short years? In *Ultra-Royalism and the French Restoration* (Cambridge University Press, pp. xiii, 209), Miss Nora E. Hudson has given us the results of some thorough and serviceable investigation. Instead of looking for the dynamics of opinion, however, she has tried to explain events in the light of contemporary theories. She does not seem to understand that, as usual, the theorists had very little to do with the actual shaping of events. Her narrative is often obscure, perhaps partly because the doctrines that she expounds are themselves vague and variable, but mainly because her own thought does not find logical expression. There is a lack of perspective. It must also be said that violation of the elementary rules of grammar makes it necessary at times to puzzle over a sentence in order to get its meaning. The index is confined to proper names.—E. M. SAIT.

A Source Book on European Governments (D. Van Nostrand Co.) presents under a single cover 122 pages of documents and other selected readings on the government of Switzerland, edited by William E. Rappard, 177 pages on France by Walter R. Sharp, 113 pages on Italy by Herbert W. Schneider, 202 pages on Germany by James K. Pollock, and 186 pages on the U.S.S.R. by Samuel N. Harper. In general, the materials are intelligently selected, accurately translated, and given with sufficient fullness to preserve their full value for serious students. In the cases of Italy, Germany, and the U.S.S.R., space is devoted exclusively to materials pertaining to the newer dictatorial régimes. The book might deservedly be at the elbow of every teacher and student of contemporary European government. It would, however, lend itself more conveniently to citation if paged continuously throughout.—F. A. O.

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INTERNATIONAL LAW AND RELATIONS

Dr. Heinrich Rogge's *Kollektivsicherheit, Bündispolitik, Völkerbund* (Berlin: Junker und Dünnhaupt Verlag, pp. ix, 445) is interesting to the American reader because it is an elaborate discussion of the problem of security from the Nazi standpoint. He defines security as "peace and liberty from the point of view of self-defense" (p. 260). In the civilized world, it takes a legal form and falls in the province of international law. However, all law being but an instrument, it is necessary to consider those who use it and the adequacy of the means they use. The users are states whose capacity to act depends on their ability, readiness, and will to defend themselves. Of all the means—and Dr. Rogge discusses many—a policy of understanding (*Verständigungspolitik*) is best and finds its legal expression in treaties, particularly non-aggression pacts with neighboring states. If a treaty is going to be binding, certain conditions will have to be met. Among these are that the parties must be on a plane of equality, that each party shall truly respect the honor of the other, and that the treaty be clear, truthful, and honorable. Sanctions are a denial of honor and cannot replace moral disarmament. For each individual state, therefore, security means meeting the needs of self-defense and pursuing a policy of understanding with its neighbors in the form of non-aggression pacts. On a wider scale, a policy of neutrality is the best guarantee of collective security whose substructure is the principle of non-aggression. This is, very briefly, the substance of Dr. Rogge's argument. The book is a surprising mixture of high-flown idealism, technical discussions of a mass of legal concepts refined into multitudinous Germanic distinctions, wholehearted endorsement of political and military power, critical examination of contemporary diplomatic history, and condemnation of rationalism and the impotence of the academic mind. While interesting, Dr. Rogge's argument is not at all convincing, in view of his failure to analyze those objectives of Hitler which conflict with the neighboring states. One wonders what non-aggression means in the face of avowed Nazi designs on the Polish Corridor, Memel, and Austria. Likewise, the "neutrality" of Hitler in the Spanish civil war makes the whole concept of neutrality suspect and does not enhance the national honor supposedly behind his adherence to the non-intervention pact.—René de Visme Williamson.

It has often been asserted that Great Britain, in her expansion in Africa, pursued a definite and consistent Cape to Cairo policy. This assertion receives thorough examination in Lois A. C. Raphael's *The Cape to Cairo Dream* (Columbia University Press, pp. 514). Since for most Britishers who succumbed to it, the dream took the form of plans to span the continent from Egypt to Cape Town by rail and telegraph, the

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author has traced the development of the projects and schemes related to these plans. Dr. Raphael finds that the phrase "from Cape to Cairo" undoubtedly held a fascination for large numbers of Britishers. The idea was sponsored also by influential business groups, and even found considerable support in Parliament. It certainly exercised a real influence over the activities of leaders of British imperialism in Africa like Sir John Kirk, Sir Harry Johnston, Captain Lugard, Kitchener, and Rhodes. But the author concludes that the British government did not follow a Cape to Cairo policy. Lord Salisbury twice definitely allowed Germany to block the possibility of an all-British route from the Cape to Cairo. Lord Rosebery's cabinet gave support to the scheme in the Anglo-Congolese Agreement of 1894; but when France and Germany protested the arrangement, the government speedily withdrew the offending article. Though the British government cannot be accused of following a definite Cape to Cairo policy, the fear that it was following such a policy, or might even achieve an all-British transcontinental route without a definite policy, played an important rôle in the policies of the other powers participating in the general scramble for Africa. The development of the story of the influence of this idea on British policy required the bringing together of a large number of more or less related movements, schemes, and diplomatic controversies, each deserving of more extended treatment than could be given them in this study. However, the author has succeeded without sacrifice to standards of scholarship, in linking them all in an interesting and rapidly flowing narrative within the compass of a single volume.—AMRY VANDENBOSCH.

For several decades, certainly since the "British transfer to Canada of the responsibility of conducting its own foreign relations within the scope of jurisdiction defined" in the Boundary Waters Treaty of 1909 and the subsequent creation of a Canadian Department of External Affairs, there has been a distinct need for a work such as James Morton Callahan's *American Foreign Policy in Canadian Relations* (Macmillan Co., pp. x, 576). Professor Callahan has gone straight to original sources, chiefly the diplomatic archives at Washington, Ottawa, and London, and has set forth objectively what he has found. He has also used, with fine discrimination, private diaries, letters, and papers, records of public debate, and monographic materials. He has brought to the subject a mature scholarship previously demonstrated in his work on Mexican-American relations. The result is a straightforward narrative and analysis of Canadian-American relations during the period 1774–1936, with sufficient reference to British non-Canadian and Spanish, French, and Russian policy in America to give the subject its proper setting. Familiar topics are illumined by newly gleaned incident and detail, and

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the whole is distinguished by a clear, compact style and by accurate use of technical terminology. The author is chary with his own opinion; the record speaks for itself. The book reveals, for example, that increasingly during a hundred and fifty years, Great Britain had become a hostage to Canada in British-American relations. The recent acquisition of Canadian autonomy in foreign affairs relieved Great Britain of that relationship. The record also suggests that, with blustering, aggressive frontier days gone and nascent nationhood turned into matured international responsibility on both sides of the line, future Canadian-American relations ought to have smoother sailing.—HENRY REIFF.

In a sense, *La Crise Bosniaque (1908–1909) et les Puissances Européenes* (Alfred Costes, pp. 418, 412), by Momtchilo Nintchitch, a former foreign minister of Yugoslavia, covers well-worked ground. For nearly twenty years, historians and publicists in Europe and America have been discussing this episode in connection with the causes of the World War, and during this time they have produced a vast literature dealing with the subject. The distinctive feature of the present two stout volumes is that they shift attention from the war-guilt question to one of the important crises connected with the problem. The author of the work defines his task broadly. In order to put the episode with which he is dealing in its proper perspective, he surveys the history of the Balkan peninsula from before the Congress of Berlin until Serbia and the Powers returned to something like a normal status, and he discusses the attitude and actions not alone of Serbia and Austria-Hungary but of all the Great Powers toward the Southern Slav question. This view of his subject imposed on the author the difficult task of studying the vast literature bearing on the causes of the World War. This duty he has performed with fidelity. His footnotes reveal a painstaking study of the usual French, British, German, Russian, and Austro-Hungarian primary printed sources and, in addition, use of less familiar Serbian printed and archival material. The result is a detailed and interesting study of the Southern Slav question. Students of history will long turn to these volumes for informed interpretations of the policies of responsible political and diplomatic figures and information about events and personalities connected with the Bosnian crisis of 1908 and 1909. The specialists may not accept all the conclusions presented, but they will be forced to recognize that the author has written calmly, intelligently, and informatively on a significant episode in the history of his country and of his fellow Slavs.—C. P. HIGBY.

Dr. Nathan Feinberg, professor at the Hague Academy of International Law and member of the Palestine Bar, has collected several of his articles published between 1928 and 1936 into a little volume en-

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titled *Some Problems of the Palestine Mandate* (published by the author, pp. 125). In all, there are nine papers, devoted in large part to legal questions raised by the Zionist effort to establish a Jewish National Home in Palestine. The first three concern the manner in which the Jewish problem was dealt with at the Paris Peace Conference. Dr. Feinberg points out that Feisal excluded Palestine from the area demanded by the Arab national movement. In other papers are discussed such matters as the Palestine Legislative Council. Much as one may sympathize with the aims of the Zionist movement, it is difficult to believe that the cause of reconciliation between Jew and Arab is going to be advanced by legalistic arguments. That cause requires the exercise of the greatest political tact, and its consummation will entail far-reaching social, economic, and cultural readjustments. Dr. Feinberg is, of course, aware of all this. Within the narrow scope which he has set himself—the legal basis of the Palestine Mandate—he has made a sound contribution to our understanding.—ROBERT GALE WOOLBERT.

POLITICAL THEORY AND MISCELLANEOUS

America's Heritage from John Stuart Mill (Columbia University Press, pp. 203), by George Morlan, exaggerates Mill's influence on American thought. But this is not important, for history is not the aim of Mr. Morlan's book. The aim is to present the essential ideas of Mill's political, economic, and social philosophy; to see whether or not these ideas apply to America at the present time; and to evaluate these ideas. In brief, Mr. Morlan takes stock of nineteenth-century liberalism as it was expounded in its classical form. He gives an able presentation of Mill's views, even though his method is somewhat reminiscent of a Ph.D. thesis. He shows that economic liberalism is inadequate to explain the American economy, and that the growth of corporate industry and the divorce of ownership from control have rendered laissez-faire and free competition inoperative in a vast part of our economic system. He finds that Mill's views on education—the need of teaching men to think and the necessity of freedom of thought—the value Mill attaches to democracy, his view of the legislator, and his view of the relation of the expert to government, are the most pertinent things in his thought for us today. In his final chapter, "Reconstruction," the author reveals both his weak and his most interesting side. This chapter does not show as deep an understanding of economic and political theory as might be desired. Extreme unction has not yet been administered to competition, nor have all the funeral arrangements been made for laissez-faire. Mr. Morlan criticizes Mill's atomistic theory of society with an "interaction theory," which tends to leave out of account that which interacts—human nature. Mr. Morlan's criticism would have been more convincing

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here had he laid a stronger emphasis on man's social nature as such, and had he conceived of society less as an interaction than as a system of relationships. These criticisms, however, are minor. Mr. Morlan's examination of the capitalistic assumptions of private property is well done. And it is refreshing to find a writer who contends that planning does not demand an all-wise dictator, a view which is widely held by economists, and which is largely a substitute for imagination. Apart from the summary of Mill's views, the virtue of this book is that it deals with ideas critically.—BENJAMIN E. LIPPINCOTT.

In the "Modern Sociologists" series, J. A. Hobson presents *Veblen* (John Wiley and Sons, Inc., pp. 227) in a brilliant critical and interpretative essay. Along with Dorfman's work on Veblen, upon which Mr. Hobson has drawn quite as freely as he suggests, this little volume should again attract thoughtful attention to Veblen's impressive analyses of social phenomena. It is one of the ironies of American intellectual life that the services of this American, "one of the most brilliant, independent, and penetrative minds of our age," should be so small a part of the cultural heritage of his own people. Even his alma mater has left him unheralded beyond a bachelor's degree, and no memorial graces the campus to which his greatness brings a continuing distinction. Political scientists will find in Chapter VII a summary statement of Veblen's significance to the field of politics. Special attention is given to the implications of his works on *The Theory of the Leisure Class* and *The Nature of Peace*, the latter a critique so suggestive as to the nature of the problem and so prophetic of what has come to pass that one is tempted to amend the old saying, "A prophet is not without honor save in his own country," by adding "and in his own time." Perhaps Mr. Hobson's essay will stimulate revived attention to some of the keenest social analysis in American scholarship, a result that could hardly be expected had Veblen been presented by one less detached from the loyalties and antagonisms of the intellectual controversies which he evoked while living. Mention may be made also of Chapter VIII on "Personal Prestige" in which Veblen's insatiable curiosity and interpretative originality are viewed as they deal with the less organized social habits and activities in which man's predatory spirit finds expression. These modes of expression are not without their political significance, particularly for programs of reform and for the field of public opinion.—RUSSELL M. STORY.

Modern Individualism (Harper and Brothers, pp. ix, 174), by S. McKee Rosen, described in the preface as "an analysis of development—the development of modern individualism and its present crisis"—in large part is a summary of a number of political theories in the West since the

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Protestant Reformation, including largely those of English thinkers and writers from the seventeenth century to the present. The method, in the main, is to present—clearly, rather convincingly, without pretense of high originality—some scores of exponents, one after another (J. S. Mill and T. H. Green, to mention only the two who are each given a chapter), setting out the essentials of each contribution, and with a measure of comment on related social trends. The chapter on "Coal and Political Theory," together with the concluding chapter, weaves into the account some of the more significant actual political and economic controversies in recent Britain, illustrating perhaps that "the task of individualism is one of reconciling its position with the need for collective opportunity and security, conditions which can only be obtained through planned social action." The post-medieval individualism is seen to be fairly done for, yet through a drastic reconstruction it may be possible to retain its core as the only alternative to any of the forms of totalitarianism that would submerge human personality. The right direction would appear in the current socio-biological thought, which is "in striking contrast to that of a traditional individualistic social science" (p. 153). Among the later theoretical contributions commented upon, the reviewer would have been interested in a more thorough consideration of the consistency of Harold Laski's most recent books with his *Grammar of Politics*, to which most of the commentary on Laski is directed. For students, however, desiring a concise, readable, reliable guide through a wide segment of modern and recent political thought, rather than a self-supporting analysis of modern individualism, Professor Rosen's little book will be useful.—WALTER SANDELIUS.

In times of crisis, men seldom seek guidance from history. More frequently, a course of action is determined upon without reference to historical precedent, and the past is then so read as to justify the present. That the French revolutionaries were no exception is the conclusion from Harold T. Parker's *The Cult of Antiquity and the French Revolutionaries* (University of Chicago Press, pp. ix, 215). The *collège* of the eighteenth century, in whatever part of France it might be located, emphasized in its curriculum a certain restricted segment of the classics, in which Cicero and Sallust, Livy and Tacitus, loomed large; and to these *collèges* went Robespierre, Desmoulins, Danton, Condorcet, and a host of other soon-to-be-revolutionary figures. What they learned there, if it did not inspire revolutionary thoughts, at least showed them a world in which men of humble birth might rise to the highest offices of state; and when forces other than intellectual set off the spark, it was to the classics, especially to Cicero and Plutarch, that they appealed to prove the rightness of their course. In an idealized picture of the civil strife of Rome

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they found sufficient precedent, and in the glorified heroes of Plutarch they saw prototypes of themselves, though the Brutuses of the Gironde became the Phocions of the Terror. In tracing the impact of the classics on the revolutionary spirit, from the first half-formulated nostalgia of intellectuals facing a society in which material success was the reward, not of talent but of birth, to the anti-classical Thermidorian reaction, Mr. Parker not alone has given us a study in the transmutation of political ideas, but has expounded also a philosophy of history. If the latter has already been made familiar by Professor Becker, it is one which bears repeating, especially as long as it continues to be done with both scholarship and readability.—CHARLES M. WILTSE.

Dr. Helmuth Plessner, of the University of Gröningen, has written a thoughtful essay on the cultural-historical background of contemporary German ideology. The purpose of this book, *Das Schicksal deutschen Geistes im Ausgang seiner bürgerlichen Epoche* (Max Niehans Verlag, pp. 190) is not to justify or condemn the doctrines which today lend a semblance of dignity to the National Socialist system, but to explain their origin. Germany's hostility toward European values cannot be accounted for, the author says, by reference merely to Versailles. The protest against Versailles, arising from Germany's frustrated desire for national unity, was a protest against a European culture in which Germany did not share. For, torn by religious difference and the conflicting traditions of Berlin and Vienna, Germany was not vitally influenced by the political humanism of the Age of Reason, nor could she develop a state-concept of the English and French type. In such facts Plessner finds the origin of German political romanticism, of the German conception of *Volk*, and of the current anti-intellectualism.—JOHN D. LEWIS.

The March, 1937, number of *The Annals of the American Academy of Political and Social Science* is devoted to "Current Developments in Housing." Most of the articles deal only indirectly with problems of immediate interest to political scientists, but they do provide a valuable background for the understanding of the governmental aspect of the question. While there is a certain amount of repetition and some rather obvious generalizing, altogether the collection may be considered valuable. Five articles devote themselves especially to housing as a problem of government. These, in combination with three articles on the handling of housing by European countries, an article entitled "Urban Housing Activities of the Federal Government," and the bibliography which concludes the series, should be of special interest to political scientists. Opponents of a public housing program would doubtless criticize the entire volume as too largely the work of those who support vigorous activity on the part of government. It is true that most of the contributors

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are now serving or have served in various capacities with public agencies. Despite divergent points of view, there seems to be general agreement that the government should undertake to provide housing only for those who cannot otherwise adequately provide such for themselves. Most of the authors would place the maximum public portion of the field as something like one-third. It is interesting to note that there is almost unanimous sentiment for state and municipal control of public housing projects as against federal control. Federal aid is needed in financing, research, and the setting up of a few basic requirements which will insure at least minimum state and local standards. Otherwise, the problem should be left to the states and cities, although the exact relationship of the two in the matter presents difficulties and must yet be worked out.—HAROLD ZINK.

Principles of Labor Legislation (Harper and Brothers, pp. 596), by John R. Commons and John B. Andrews, is the fourth revised edition of a book that has become a classic in its field. It is not only an indispensable class-room text, but also a most useful reference book for the general reader. Nearly every type of labor legislation that has been put into effect in the United States, and much that has been tested out in other countries, will be found described concisely in this excellent compendium. The book is revised as of September, 1936; and the authors cannot be reproached for failing to prophesy the subsequent actions of the courts. The book is, of course, not without its faults. One of these is an attitude toward the labor of women which seems to the present reviewer to be founded upon tradition and legend rather than observation. Another is the lack of a philosophical approach. Indeed, despite its title, the volume deals largely with facts and descriptions. The last chapter and a few other passages deal with principles, but it cannot be said that the book as a whole does much more than summarize the law and practice in various fields. This alone, however, must be recognized as a notable achievement; and in any case it is only fair to insist that the virtues of the volume far outweigh its shortcomings. Although the book will be found valuable by every social scientist, it should also be read widely by the intelligent general public. Its style is easy and clear, most of its legal passages are made as simple as the subject permits, and altogether it is to be recommended most highly to everyone interested in any aspect of the labor problem—which means, or should mean, every thinking man and woman.—MIRIAM E. OATMAN.

Sickness and Insurance (University of Chicago Press, pp. vi, 166), by Harry A. Millis, chairman of the department of economics at the University of Chicago, is the second book favorable to compulsory health insurance within a few months. Not as comprehensive as Dr. I. S. Falk's

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Security Against Sickness, it has the merits of clarity, conciseness, and fairness. It presents all essential facts on the need for health insurance in the United States, the experience of foreign countries with this institution, and the movement for health insurance in this country. It concludes with the author's own program for action, which is likely to draw fire from both sides but merits serious consideration as representing the conclusions of an able and unprejudiced scholar with a strong sense for the practical. The book is intended for the lay reader much more than the specialist. It does not embody the results of any original research and does not pretend to be the last word on the subject. It is, however, an excellent treatment of a very controversial problem which may soon become a major issue in politics. It is recommended to everyone who wants to get all the essential facts about health insurance with a minimum of effort and with assurance that he is getting facts and not propaganda.—EDWIN E. WITTE.

The review of Spanish developments since the Napoleonic wars contained in Pierre Crabitès' *Unhappy Spain* (Louisiana State University Press, pp. 244), leaves the author with no enthusiasm for the country or its people. The shortcomings of the government are explained by the breakdown of the traditional religious background, by the development of Masonic lodges of the French type, and by the resulting decline of respect for authority. The incompetence and misfortunes of the ruling dynasty are detailed at length. Hardly less baneful the author finds to be the influence of the various political leaders whom the sovereigns called to their aid. Among those prominent in Spanish affairs in the nineteenth century, only Queen Maria Christina, herself an Austrian by birth, stands out in favorable contrast. The economic limitations of the kingdom, the backward policy in landholding, the bad tax legislation, and the failure to support a system of modern education receive almost no attention. The loss of the colonies, the author thinks, was brought about primarily by the outbreak of yellow fever in the United States, which, threatening the safety of the Southern states, forced that country to adopt for its self-preservation a forward policy against Spain in Cuba. The future, the author believes, offers little hope for Spain because "its soul is atrophied." The country, he says, must "gravitate for many a long year between stagnation and revolution," because its people have still to learn the elements of the science of government.—CHESTER LLOYD JONES.

Mr. Henry David's *The History of the Haymarket Affair* (Farrar and Rinehart, pp. xxi, 579) is a careful, scholarly, amply documented, icy-cold presentation. The study may be divided into two parts. The first consists of a most painstaking account of radical movements before the

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Haymarket affair; the second deals with the Haymarket affair and its aftermath. Almost half of the first part might well have been omitted. It reads like a doctoral dissertation—though this is not said in derogation of the work. It is not impartial to the point of being lifeless—how could any account of the Haymarket riot be lifeless?—but one is struck by the painful objectivity of the writer. It is not easy for a person delving into this insanely emotional episode of American history to keep his own balance even though half a century has intervened. It is all a grim tragi-comedy which any author might readily over-dramatize. At the risk of wearing down his reader with endless citation of documents and newspaper comment, Mr. David plods on his way. Nothing seems to have been left unexamined and no dark corner has been left unentered. What the accused plotters ate before the evening of the riot is by some oversight omitted! Yet one cannot deny that the Haymarket affair has been done with precision and thoroughness. And Mr. David has done it.—JEROME G. KERWIN.

The well-known *China Year Book*, edited by H. G. W. Woodhead and published at Shanghai by the *North-China Daily News and Herald*, now has a healthy rival in the *Chinese Year Book*, edited by Chao-ying Shih and Chi-hsien Chang and published, also at Shanghai, by the Commercial Press. The second issue of the younger publication (pp. 1596) is for the year 1936–37, and the plan calls for a new edition at the close of each calendar year. Chapters in the older work appear anonymously, and are written partly by Europeans and partly by Chinese. With one or two slight exceptions, all of those appearing in the newer publication are signed and by Chinese authors. The range is extremely wide, and the thoroughness with which most topics are treated is indicated by the fact that electrical communications, for example, receives 43 pages, foreign trade 44, railways 47, education 73, and public finance 230. A very large proportion of the chapters have been prepared by government officials, an arrangement which tends to assure sufficiency of information but also opens possibilities for conscious or unconscious coloring in favor of the existing Nationalist régime.—F. A. O.

It is Oskar Morgenstern's thesis, in his *The Limits of Economics* (William Hodge and Co., Ltd., pp. 160), that economic theory is a science; that it should be kept free from value judgments on social policy; that it is not to be associated with any "rigidity" such as "Liberalism" or "Socialism"; that "it should be one of the first duties of the economist to defend the thesis that economic theory is independent of systems of economic policy;" that true economic theory gives "expression to immutable fundamentals;" in fact, that "hardly any other science—not even mathematical physics—is as esoteric, as exclusive, as economic

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theory;" and that therefore *the* great danger to economic theory lies in the "economic sophistry, half-truths, or at best platitudes," voiced by amateur economists and believed by laymen. These priestly presuppositions lead Herr Morgenstern cavalierly to boot Marxism outside economic theory; to look upon American economic policies since 1933 as a species of "madness," "senseless and full of contradictions;" to declare that "all forms of state organization are compatible with all types of measures of economic policy" (apart from communism). Looking upon economic theory as a science of abstractions like mathematics, Herr Morgenstern proves almost too much as to its limits.—HARVEY PINNEY.

Long-Term Debts in the United States, Domestic Commerce Series, Number 96 (Government Printing Office, pp. vi, 211), by Donald C. Horton with the aid of associates in the Department of Commerce, contains three chapters on public debts and six on private debts, with statistical summaries as of the end of 1912, 1922, 1930, and 1935. Considerable attention is given to the changes in debt structure during the depression years. One of the appendices is a tabular digest of state mortgage-moratorium and related debt-relief laws "enacted during the period 1930–36, and not subsequently held unconstitutional." The work attempts to fill gaps in the statistical information revealed by other studies, and to carry forward the research program of other agencies, particularly the Twentieth Century Fund Study on *The Internal Debts of the United States*, edited by Evans Clark (1933). It is a useful debt reference for students of public and private finance.—H. C. NIXON.

The tenth anniversary volume of proceedings of Emory University's Institute of Citizenship is entitled *Current Economic and Political Problems* (Bulletin of Emory University, Vol. XXII, March, 1937, pp. 95). The range and variety of subjects in this volume are comparable to its scholarly predecessors. Topics of general interest are divided equally among American foreign relations, social security, the instruments of public opinion in the 1936 campaign, and President Roosevelt's plan to reorganize the Federal judiciary. There are ample discussions of the problems of the day in the South, with concentration upon farm tenancy, city management, county finance, and reorganizing chaotic county governments. In an introductory historical sketch of the Institute's first decade, tribute is paid to the indefatigable efforts of its director, Dr. Cullen B. Gosnell.—FRANK W. PRESCOTT.

An Outline of Political Science (Barnes and Noble, Inc., pp. 232), by Gertrude Ann Jacobsen and Miriam H. Lipman, is a volume in the College Outline Series. It is well organized, concisely written, and as accurate as such a brief treatment of so vast a subject could well be.

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It should help the student organize his knowledge and clarify his concepts of government and society; hence the authors may reasonably feel that they have accomplished their purpose. Nevertheless, a work of this nature inevitably possesses the defects of its virtues. Its telegraphic brevity necessitates definition where satisfactory definition is impossible and generalization where generalization is misleading. It touches upon almost every conceivable problem and institution of government, but treats none adequately.—ROGER V. SHUMATE.

A short treatise in English by Kimio Hayashi under the title of *The Fundamental Idea of State Socialism* (Tokyo: Maruzen Company, pp. 31) outlines the doctrine of the totalitarian state as envisaged by fascist elements in Japan. The author is a former legal adviser to the Farukawa Copper Mining Company, and since 1924 has been a professor of political science in Waseda University. As in numerous Japanese political treatises, more attention is given to Western doctrine than to Japanese.—KENNETH COLEGROVE.

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RECENT PUBLICATIONS OF POLITICAL INTEREST
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CHARLES S. HYNEMAN
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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